DOCUMENTS DEPARTMENT

GOVERNMENT INFORMATION CENTER
SAN FRANCISCO PUBLIC LIBRARY

SAN FRANCISCO
PUBLIC LIBRARY

REFERENCE
BOOK

Not to be taken from the Library

DEC 1 2 1995

SAN FRANCISCO PUBLIC LIBRARY

3 1223 03475 3203

(minutes)

JULY 11, 1990 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, July 11, 1990 at 1700 hours in Closed Session.

1. Attorney-Client Conference

a. SF Police Officer Association vs. CCSF
b. Billy Pendleton vs. CCSF, et al
c. Allstate Insurance Co. vs. CCSF, et al

DOCUMENTS
SEP - 4 199
PUBLIC LIBR

JULY 11, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, July 11, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

APPROVAL OF MINUTES OF MEETING OF MAY 23, 1990

Approval of Minutes of Meeting of May 23, 1990, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 602-90

SAN FRANCISCO POLICE OFFICERS' ASSOCIATION vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment awarded to the San Francisco Police Officers' Association in the amount of $89,146 plus 924 costs, total $90,070.00, in U.S. District Court No. C85-2180 for attorneys fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

RESOLUTION NO. 603-90

BILLY PENDLETON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment awarded to Billy Pendleton in the sum of $80,553.02 in Superior court No. 902-189 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 28, 1988

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

RESOLUTION NO. 604-90

ALLSTATE INSURANCE CO (INS: DANILO SANTIAGO)
vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allstate Insurance Company (Insured: Danilo Santiago) in the sum of $11,978.20 in Municipal Court No. 036-285 entitled "Allstate Insurance Co. vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 30, 1989

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met today in Executive Session on three litigation matters and no vote was taken.

(a) MOTION ON CALENDARING OF NEW MATTERS

Commissioner Giraudo asked the Chief to respond at the next meeting on clarification of the Department's policy on Hot Pursuit Driving.

(b) PUBLIC COMMENTS

Mr. Robert Rubin of the San Francisco Lawyers Committee said they were here to raise an issue pertaining to the City of Refuge Ordinance. He said last Friday, July 6, 1990, at Fisherman's Wharf, there were at least three (3) violations of the three of the Provisions of the Department's General Order in this regard. He said no complaint has been filed at this time.

Commissioner Giraudo advised him that this incident is currently under investigation and that there are some preliminary findings, however, since there is no complaint currently on file, the Department would continue to pursue its investigation until such complaint is filed and make further determination thereafter.

Rachel Letterman, member of the National Lawyers Guild (NLG) and attorney for ACT-UP in San Francisco, said during the AIDS Conference there were several serious incidents of police brutali[illegible] She said a dozen people received injuries as a result of being hit by police at the time. She [illegible] these incidents occurred after the implementat[illegible] the new crowd control procedures and they are [illegible] disappointed with the policy. She said they [illegible] an amendment to the policy that states that ba[illegible] should not be used against non-violent protesters. She said the NLG/ACT-UP has both decided not to file complaints with the OCC with regards to the police abuses at the AIDS Conference because of the lack of effectiveness of the OCC. She said this is because less than 1% of OCC complaints has resulted in officers being disciplined as well as the lack of maintaining confidentiality for the people filing OCC complaints.

Mr. John O'Brien made comments of his problems while sleeping in the street and being assaulted. He also complained of being harrassed by the guard at the entrance of this building when coming to tonight's meeting other matters not within the jurisdiction of the Commission.

Jill Trager, CUAV, said in regards to the AIDS Conference she wanted to publicly thank the leadership of the Police Commission as they were seen out at the demonstrations observing how things were going and she particularly wanted to thank Chief Jordan, Deputy Chief Lau, Commander Murphy and Officer Lea Militello for all of the work they did with community people prior to the conference to try to have this as a more peaceful event than any they have ever had before. She said to have a handful of protestors hurt is somewhat miraculous given the climate that has prevailed in the city for awhile. She said of course there is more to be done as there are still rank and file officers that still have a hard time with any kind of legal protest. However, she said they saw something new and exciting and they hope they have that kind of cooperation with the police in the future.

Mr. Gerard Koskovich, resident of San Francisco speaking in his own behalf, said in regard to the story of the protestor who was poisoned at the County Jail, he would like to point out that the officer who said this was an accidental poisoning was Captain Robert Fife who was the Event Commander during the October 6 riot on Castro Street. He said because of this he thinks it raises some questions about whether the incident was an accident and the Management Control Division (MCD) should fully investigate the role of Captain Robert Fife in this incident and in the way he came to be the spokesperson for the Department in claiming this was an accident. He said in regard to the Federal Protective Services, they understand that they are not under the jurisdiction of the SFPD, however, the Commission should be aware that there has been severe and on-going violence on the part of the Federal Protective Service and it appears that the SFPD cooperates with them. He would like to ask that the Police Commission hold a public hearing regarding the full particulars of that cooperation, the propriety of it, any policies regarding it and raise the question of whether or not certain officers are not just cooperating but actually handing protestors over at protest to the Federal Protective Service knowing that they can circumvent the rules of the Department by mistreating protestors.

Ms. Carole Seliger, appearing on behalf of Attorney Stephen Whitmore, said they were unable to get this request on calendar but they were here under public comments to ask the Commission to consider next week when it is legally calendared to continue the Welch, Hall and Lang matter for at least a week or probably a little longer. She said she is requesting this so she can file an appeal from Judge Ina Gyemant's ruling which she (Seliger) believes is erroneous in denying her (Seliger) and her clients the requested remedy.

Deputy City Attorney Mara Rosales said a recent court decision on appeal in the city of Los Angeles could impact on the pre-trial order and the subsequent proceedings in the upcoming Welch disciplinary trial that is currently set to go

forward next week. She said it all centers around Section 832.7 of the Penal Code defining Peace Officer records as confidential which does not apply in administrative proceedings held before such a body as the Police Commission. She said given the nature of this appeal in L.A. and the request of Ms. Seliger, she would think it advisable to the Commission to have the Welch, et al matter be given a short delay.

Commissioner Giraudo said he would not oppose a continuance but would ask that the Commission receive briefs on this matter by August 1, 1990, so that the Commission has a full week to read them and that the Commission calendar this matter for August the 8th, 1990. He said since it is not officially calendared for tonight it will have to go on next week and the official decision made at that time.

Mr. John Crew, ACLU, commented on the OCC's Special Order it brought forth to the Police Commission approximately three (3) weeks ago. He said this had to do with OCC Staff while out at demonstrations and possibly observing misconduct by officers. He said the procedure would be to hold off on that account and wait for a 10-day period to see whether or not a complaint was filed and bring it to Management Control for investigation. He said they believe there are two problems with this process, one is the Charter would not condone it and the second is that even if this is the appropriate way to go, the 10-day period is entirely inadequate. He said if the Commission could put this off for a week he would put something in writing for discussion. It was decided that this proposed order and OCC's role at demonstration be calendared at next week's meeting for public discussion.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he would give a brief report on the 6th International Conference on AIDS and the 6-day activity that took place including the Gay Freedom Day Parade that took place on the Sunday immediately after the conference. He said he also had Deputy Chief Fred Lau present to give part of the presentation as part of the overview that the Police Commission requested the last time it held a meeting out in the Potrero District. The Chief said of all of the hundreds of thousands of people and with all of the different activities and demonstrations and marches there were few injuries and complaints. He said there are a few more coming in right now but this was a very positive step in the way it was handled and he was very pleased with the operation of the police department and just as pleased with monitors in the Gay/Lesbian Community in San Francisco who cooperated and communicated with the Department all throughout the week. He had a press release and then a letter that he read into the record as part of the report. Afterward, he had Deputy Chief Fred Lau make his presentation. The letter the Chief read was from the Conference Co-Chairs, Doctors John Ziegler and Paul Volberding and it stated in part: "We are hopeful that the visibility of the outstanding police handling demonstrations during the Sixth International Conference on AIDS will set a standard for law enforcement agencies throughout the country and the world. We extend our particular thanks for the

leadership and commitment of Deputy Chief Fred Lau, Commander Tom Murphy, Captain Tom Petrini and Officer Lea Militello. The City upheld its outstanding reputation during the conference, owing in large part of the efforts of the San Francisco Police Department." The entire text of the press release and the letter are both on file in the calendar file of this date in the Office of the Police Commission.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, commented about the OCC Special Order put into effect during the AIDS Conference. He said the plan was developed based upon information that the OCC received from the City Attorney's Office that the OCC could not generate complaints upon observation but that the complaints would have to come from the outside. He said their investigative staff was concerned about allegations they might see at the scene of a demonstration and the Special Order came about as a result of that. He said since it will be discussed at next week's meeting he would reserve further comment until then. He said he was also disturbed by people tonight saying they did not have the confidence in the OCC to bring the complaints forward. He said he has the total confidence in his staff and he challenged those people to bring the complaints forward or anyone else who has a complaint to bring it forward and the OCC will do the best possible job.

RESOLUTION NO. 598-90

REMOVAL OF "Z" CLASSIFICATION - OFFICE OF CITIZEN COMPLAINTS

RESOLVED, that the "Z" Classification attached to the Office of Citizen Complaints Investigators and other applicable employees, with the exception of the Director, Office of Citizen Complaints, is hereby removed.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

RESOLUTION NO. 599-90

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER REY P. IBAY, COMMUNITY SERVICES

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Rey P. Ibay, Community Services, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the assignment of a Police Commissioner to conduct taking of evidence in the disciplinary charges filed against Officer Rey P. Ibay is set for Wednesday, July 18, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

RESOLUTION NO. 600-90

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOSEPH P. COGGAN, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Joseph P. Coggan, Potrero Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to prevent crime while off duty (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the assignment of a Police Commissioner to conduct taking of evidence in the disciplinary charges filed against Officer Joseph P. Coggan is set for Wednesday, July 18, 1990 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #753 ISSUED TO JOSEPH WOOTTON

Officer Linda Flanders of the Taxicab Section appeared and presented the Department's case against Mr. Wootton. Mr. Wootton appeared in his own behalf. Officer Flanders said that the issue tonight concerns not only the situation with Mr. Wootton but every other Proposition K permit holder who at one time or another is going to become too old or in such ill health that they are not going to fill the requirements of driving a taxicab on a full time basis. Commissioner Giraudo advised that a City Attorney's Opinion would be requested and the matter would be on calendar again next week.

STATUS REPORT ON OFFICER DENIS P. JOYCE, NORTHERN STATION

The date for the status report on the disciplinary charges filed against Police Officer Denis P. Joyce, Northern Station, was called it having been set for this date.

Mr. Robert Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Denis P. Joyce appeared in person and was represented by Ms. Colette Jolicoeur, Attorney at Law.

An opening statement was made by Mr. Robert Martin for the Prosecution.

An opening statement was made by Ms. Colette Jolicoeur for the Defense.

Captain Dennis Martel gave supporting testimony on behalf of Officer Joyce.

After listening to statements of the parties, it was noted that Officer Joyce had lost only 7 pounds since Wednesday, May 30, 1990, at which time he was told by the Police Commission that he shall lose 10 pounds in the next 30 days.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 601-90

DECISION - STATUS OF CHARGES FILED AGAINST OFFICER DENIS P. JOYCE, NORTHERN STATION

WHEREAS, on May 30, 1990, in Police Commission Resolution No. 572-90, Officer Joyce was ordered to lose 10 pounds in the next 30 days, and

WHEREAS, it is the findings of the Police Commission that Officer Joyce has lost only 7 pounds since May 30, 1990, thereby violating the order on May 30, 1990 to lose the mandated 10 pounds; therefore be it

RESOLVED, that for said violation Officer Denis P. Joyce shall be suspended for ten (10) days commencing on Saturday, July 21, 1990 at 0001 hours and ending Monday, July 30, 1990 at 2400 hours.

AYES: Commissioners Craig, Giraudo
NAY: Commissioner Lee
ABSENT: Commissioners Campana, Keker

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 7:35 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5776M

(minutes)

JULY 18, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, July 18, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioners Campana, Giraudo, Keker, Lee
ABSENT: Commissioner Craig (at this time)

DOCUMENTS DEPT
SEP - 4 1990
PUBLIC LIBRARY

APPROVAL OF MINUTES OF MEETING OF MAY 30, 1990

Approval of Minutes of Meeting of May 30, 1990, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

(a) MOTION ON CALENDAR OF NEW MATTERS

Calendar the Williams matter for July 25, 1990, continuation letter in file.

(b) PUBLIC COMMENTS

Mr. John O'Brien, made comments about the death of his 35 year old friend and drug addiction. He then spoke of utilization of undercover cops as being overt intelligence and was against it.

Mr. Terry Evans complained about the proposed delay of the Welch, Hall, Lang hearing and said in his opinion it is an effrontery to the disciplinary process and the concept of accountability. After being advised that the Commission was just as concerned and wanted to get it started as soon as possible, he said then he would be brief and ask that the Commission please get on with it.

Mr. Tom Osher spoke of his concerns about the arrests that have been occurring over at the Civic Center. He said he would like for the Commission to look into the facist arrest and inhumane treatment of the arrestees and take a stand on that kind of thing. (NOTE: Commissioner Keker left at this time.)

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE CAPTAIN WILLIAM N. WELCH, LIEUTENANT THOMAS J. LANG AND SERGEANT JAMES B. HALL

Commissioner Craig present at this time.

Mr. Dennis Aftergutt, Deputy City Attorney said that last week the City Attorney's Office advised the Commission of a new case from Los Angeles, Bradshaw vs. the City of Los Angeles. He said that case potentially has an important impact on the procedures that the Commission had adopted with respect to the Welch, et al matter. He said, therefore, the City Attorney advises that it would be prudent to put the matter over until August 8, 1990.

Commissioner Lee said he would make a motion to continue the matter to August 8, Commissioner Campana seconded and it was unanimously approved.

RESOLUTION NO. 610-90

HEARING OF POLICE CAPTAIN WILLIAM N. WELCH, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Captain William N. Welch, Field Operations Bureau, Headquarters Company, was called it having been set for this date; and

WHEREAS, upon advice by Deputy City Attorney Dennis Aftergut and in concurrence with Attorney Dan Bookin, Special Prosecutor for the San Francisco Police Department, and Attorney Stephen Whitmore, the date for the hearing of disciplinary charges filed against Captain Welch was continued to August 8, 1990; therefore be it

RESOLVED, that the date for the hearing of Captain William N. Welch is continued to Wednesday, August 8, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

RESOLUTION NO. 611-90

HEARING OF POLICE LIEUTENANT THOMAS J. LANG, NORTHERN STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Northern Station, was called it having been set for this date; and

WHEREAS, upon advice by Deputy City Attorney Dennis Aftergut and in concurrence with Attorney Dan Bookin, Special Prosecutor for the San Francisco Police Department, and Attorney Stephen Whitmore representing Attorney James Collins, the date for the hearing of disciplinary charges filed against Lieutenant Thomas J. Lang was continued to August 8, 1990; therefore be it

RESOLVED, that the date for the hearing of Lieutenant Thomas J. Lang is continued to Wednesday, August 8, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

RESOLUTION NO. 612-90

HEARING OF POLICE SERGEANT JAMES B. HALL, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Field Operations Bureau, Headquarters Company, was called it having been set for this date; and

WHEREAS, upon advice by Deputy City Attorney Dennis Aftergut and in concurrence with Attorney Dan Bookin, Special Prosecutor for the San Francisco Police Department, and Attorney Stephen Whitmore representing Attorney James Lassart, the date for the hearing of disciplinary charges filed against Sergeant James B. Hall was continued to August 8, 1990; therefore be it

RESOLVED, that the date for the hearing of Sergeant James B. Hall is continued to Wednesday, August 8, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

CHIEF'S REPORT TO THE POLICE COMMISSION

(a) CLARIFICATION OF POLICE DEPARTMENT GENERAL ORDER F-2, "RESPONSE AND PURSUIT DRIVING PROCEDURES

Chief Jordan advised that the Commission had a copy of General Order F-2, "Pursuit Driving Procedures", in their hands and he had Deputy Chief Fred Lau standing by if they had questions in regard to the Order. Deputy Chief Lau then came forth and gave the Commission an overview of the present policy and said that it was a very effective and viable policy. He said they have reviewed it with the Highway Patrol and feel that it is one of the strongest policies in the state. He then broke down the procedures utilized as dictated by the policy in respect to emergency situations, i.e., reasons to initiate chase, request code 33 to advise, description of vehicle and route, regulates number of vehicles involved in chases not more than two police department vehicles and speaks of supervisors responsibility in monitoring the chase. He said it also covers outside units chasing suspect vehicles into this city and SFPD jurisdiction. He said red light and sirens are utilized immediately and throughout the chase. He also spoke of the training involved for all officers to be able to comply with this policy.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director advised that they had nothing to report this evening.

PUBLIC DISCUSSION ON THE ROLE OF OCC AT DEMONSTRATIONS AND ITS PROPOSED SPECIAL ORDER TO BE UTILIZED WHILE WORKING AS MONITORS AT DEMONSTRATIONS

Mr. Dennis Aftergutt, Deputy City Attorney, said that they had received from the ACLU on Monday, the 16th of July, their letter brief on this issue. He said, unfortunately, the lawyer in the City Attorney's Office reviewing this issue has sickness in the family and has not had sufficient opportunity to address the issues that they have raised. Mr. Aftergutt said he has spoken to Mr. Crew, ACLU, about this and he (Aftergutt) would like the Commission to put this matter over to August 15, 1990. Commissioner Lee said he would make the

motion to continue it to that date, Commissioner Craig said she would second the motion. It was unanimously approved for continuane.

REVOCATION OF THE CHIEF OF POLICE FOR A HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #753 ISSUED TO JOSEPH WOOTTON

Mr. Dennis Aftergutt, in response to the Commission's request of last week, said the issue before the Commission was based on the evidence that had been presented last week on what degree, if any of discretion, did the Commission have to revoke Mr. Wootton's permit. He said the City Attorney's Office has reviewed the issue in light of the facts that were presented, and consistent with the opinions that were previously given to the Commission. He said he would advise that the discretion in this area is very limited. He said the Commission's hands are quite tied by the Ordinance which was enacted as Proposition K. He said Section 1090(a) states that any permit issued under the Article may be suspended or revoked by the Commission for good cause after a noticed hearing and good cause shall include that the permittee ceases to be a full time driver. He said that is the evidence that the Commission had before it last week. He said, and further, in that same section the measure states: "upon a showing of good cause, the Police Commission shall have discretion to suspend or revoke a permit as set forth above, except that a suspension and/or revocation shall be mandatory." He said the circumstances described in sub parts 1 through 6 of above and in sub part 1 is where the driver ceases to be a full time driver. He said the Commission must either suspend or revoke.

Mr. Wootton speaking in his own behalf said he would like to have the opportunity to resume that status of again becoming a full time driver.

After further discussion with the parties and Commission members, motion was made by Commissioner Craig, to suspend Mr. Wootton's permit until July 23rd, 1990 with the proviso that the Way Bills utilized in the operation of a taxi be submitted to the Taxicab Section on a weekly basis for a period of six months, and a report from Sergeant Gary Manini of the Taxi Section attesting to that compliance at the end of that six-month period. The motion was seconded by Commissioner Lee and unanimously approved.

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #753 ISSUED TO JOSEPH WOOTTON

The hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #753 issued to Joseph Wootton was called, it having been continued from the meeting of July 11, 1990.

Mr. Joseph Wootton appeared in person and was not represented by counsel.

Sergeant Gary Manini, Taxi Section, appeared on behalf of the San Francisco Police Department.

Mr. Dennis Aftergutt, Deputy City Attorney, in response to the Commission's request for opinion advised discretion in this area is very limited due to the Ordinance which was enacted as Proposition K. He said where the driver ceases to be a full time driver, the Commission must either suspend or revoke.

Mr. Wooton, speaking in his own behalf, said he would like to have the opportunity to resume that status again of becoming a full time driver.

After further discussion with the parties and Commission members, motion was made by Commissioner Craig to suspend Mr. Wootton's permit until July 23, 1990, with the proviso that the Way Bills utilized in the operation of a taxi be submitted to the Taxi Section on a weekly basis for a period of six months, and a report from Sergeant Gary Manini of the Taxi Section attesting to that compliance at the end of that six month period. The motion was seconded by Commissioner Lee and unanimously approved, and the following resolution was adopted:

RESOLUTION NO. 606-90

DECISION

RESOLVED, that it is the findings and decision of the Police Commission that Mr. Joseph Wootton has violated Municipal Police Code Section 1080(b); and be it further

RESOLVED, that it is the order of the Police Commission Mr. Joseph Wootton's Taxicab Permit #753 be suspended for five (5) days beginning July 18, 1990 and ending Sunday, July 22, 1990, and that the Way Bills utilized in the operation of his taxicab be submitted to the Taxi Section on a weekly basis for a period of six months, and a report shall be submitted by Sergeant Gary Manini of the Taxi Section attesting to Mr. Wooton's compliance at the end of the six months period.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL BY THE POLICE COMMISSION OF ACCEPTANCE OF REWARDS BY MR. EDWARD M. KARKAR TO INSPECTOR SAMUEL HAMILTON - $4,000, OFFICER ORIN DUBOUR - $4,000, OFFICER HARRY PEARSON - $2,000, OFFICER MICHAEL PUCCINELLI - $2,000 AND MS. WENDY CHONG - $2,000

Chief Jordan said that this was an unusually high award but it is in accordance with the SFPD Order. He said the person giving the awards was the victim of a 2 million dollar burglary where the property stolen was recovered and as a sense of gratitude the victim decided to send checks to each of the officers as well as one civilian Fingerprint Technician as a token of appreciation. Commissioner Lee said he would make a motion for approval, Commissioner Craig seconded and it was unanimously approved.

RESOLUTION NO. 607-90

APPROVAL OF ACCEPTANCE OF REWARDS BY MR. EDWARD M. KARKAR

RESOLVED, that the rewards by Mr. Edward M. Karkar to the following members of the Police Department for their participation in the investigation and recovery of property in the burglary of his residence is hereby approved:

Inspector Samuel Hamilton, Burglary Division - $4,000
Officer Lorin Dubour, Crime Scene - $4,000
Officer Harry Pearson, Northern Station - $2,000
Officer Michael Puccinelli, Northern Station - $2,000
Ms. Wendy Chong, Crime Scene Investigation - $2,000

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

RESOLUTION NO. 608-90

SALE AND TRANSFER OF PATROL SPECIAL BEAT #69 FROM PATROL SPECIAL OFFICER DANIEL S. MORRIS TO PATROL SPECIAL OFFICER SERGE J. WHITE

WHEREAS, Patrol Special Officer Daniel S. Morris requested permission to sell and transfer Patrol Special Beat #69 to Patrol Special Officer Serge J. White, and

WHEREAS, Patrol Special Officers Daniel S. Morris and Serge J. White have entered in an agreement for the sale and transfer of Beat #69, and

WHEREAS, all requirements of Rule 1.53 of the current Rules and Procedures of Patrol Special Officers have been met; now, therefore be it

RESOLVED, that ownership of Patrol Special Beat #69 is transferred from Daniel S. Morris to Serge J. White.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

RESOLUTION NO. 609-90

HEARING OF POLICE OFFICER REY P. IBAY, COMMUNITY SERVICES

WHEREAS, the assignment of a Police Commissioner to conduct taking of evidence in the disciplinary charges filed against Police Officer Rey P. Ibay, Community Services, was called it having been set for this date; and

WHEREAS, at the discretion of the President of the Police Commission pursuant to the rules adopted for the taking of evidence the hearing may be assigned to be heard by the full Commission, which in this case it will be; therefore be it

RESOLVED, that the date for the hearing of Officer Rey P. Ibay is set for Wednesday, September 19, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

ASSIGNMENT OF A POLICE COMMISSIONER TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JOSEPH P. COGGAN, POTRERO STATION

Continued to July 25, 1990.

RESOLUTION NO. 605-90

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE INSPECTOR DANIEL J. FERRETTI, BURGLARY SECTION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Inspector Daniel J. Ferretti, Burglary Section, as follows:

SPECIFICATION NO. 1

Engaging in conduct which brings discredit on the Department or subverts the good order, discipline or efficiency of the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to prevent crime while off duty (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Engaging in conduct which brings discredit on the Department or subverts the good order, discipline or efficiency of the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to obey the written orders of the Department (a violation of Rule A-10 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the assignment of a Police Commissioner to conduct taking of evidence in the disciplinary charges filed against Inspector Daniel J. Ferretti is set for Wednesday, July 25, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

The meeting, thereafter, was adjourned at 7:15 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5778M

[MINUTES]

JULY 25, 1990 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, July 25, 1990 at 1700 hours in Closed Session.

1. Attorney-Client Conference

Thomas Connolly vs. CCSF
Howard vs. Mayor Agnos and CCSF

DOCUMENTS DEPT.
SEP 11 1990
PUBLIC LIBRARY

JULY 25, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, July 25, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

APPROVAL OF MINUTES OF SPECIAL MEETING OF JUNE 5, 1990 AND REGULAR MEETING OF JUNE 6, 1990

Approval of Minutes of June 5, 1990 and June 6, 1990, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 618-90

APPROVAL OF ACCEPTANCE OF REWARD FROM U.S. NAVY TO OFFICER ALBERTO MIRANDA, INGLESIDE STATION

RESOLVED that the Police Commission hereby authorizes Officer Alberto Miranda, Ingleside Station, to accept a reward of $75.00 from the U.S. Navy for services rendered on June 28, 1990 in the arrest of a U.S. Navy deserter.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 619-90

THOMAS CONNOLLY vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment awarded to Thomas Connolly in the sum of of $32,000 in Superior Court No. 897-471 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 8, 1987

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

RESOLUTION NO. 620-90

JUDITH TRENHOLME vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith Trenholme in the sum of $1,500 in Superior Court No. 912-809 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 21, 1988

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

RESOLUTION NO. 621-90

DAVID M. WEITZMAN vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David M. Weitzman in the sum of $275.00 in Municipal Court No. 037-606 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: November 22, 1989

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

POLICE COMMISSION REPORT

Commissioner Keker announced that the Police Commission met in closed session this afternoon to discuss some litigation matters and no vote was taken.

(a) MOTION ON CALENDARING OF NEW MATTERS

Commissioner Lee said he would request a public hearing on the Reserve Police Officers. He said he would like to know what are their qualifications and how many are presently on hand. He said he felt they have done a good job with the Chinatown Koban and at other Koban locations and he would like to see more Reserve Officers assisting the city police and providing service. He said he also wanted to know more about the Patrol Special Officers and their duties and to see if maybe they can also assist in providing more city police services. This was put in the form of a motion and seconded by Commissioner Campana and unanimously approved. It was then set for public hearing on August 29, 1990.

At this time dates were set for taking of evidence in the matters of Police Officers Michael Maxwell and Louis Cassanego for August 21, 1990 at 9:00 AM. In the matter of Police Inspector Frank McCoy, the date set for the final decision in his Appeal of the Chief's Suspension was August 22, 1990, 5:30 PM.

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER BERNARD J. SULLIVAN, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

Mr. Jerry Akins, attorney for the Department said his witness in this matter would not be

released from prison until the end of September so he would ask for a continuance in this matter to October 24, 1990, at 5:30 PM for the hearing.

RESOLUTION NO. 615-90

HEARING OF POLICE OFFICER BERNARD J. SULLIVAN, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Bernard J. Sullivan, Field Operations Bureau, Headquarters Company, was called it having been continued from May 16, 1990; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Sullivan be continued to October 24, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Bernard J. Sullivan is continued to Wednesday, October 24, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

ASSIGNMENT OF A POLICE COMMISSION TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES AGAINST POLICE INSPECTOR DANIELD J. FERRETTI, BURGLARY SECTION

Commissioner Keker, as acting President of the Police Commission, assigned this case for the Taking of Evidence to Commissioner Pius Lee. The date set to proceed was agreed to be on Thursday, October 4, 1990, at 9:00 AM.

RESOLUTION NO. 614-90

ASSIGNMENT OF A POLICE COMMISSIONER TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR DANIEL J. FERRETTI, BURGLARY SECTION

RESOLVED, that Police Commissioner Pius Lee is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Police Inspector Daniel J. Ferretti, Burglary Section, and be it further

RESOLVED, that pursuant to San Francisco Police Commission rules governing trials of disciplinary cases, attention is directed to Section 3A1, and Inspector Ferretti, therefore, upon immediately notifying his attorney or representative, shall comply with said Section; and be it further

RESOLVED, that the date for the taking of evidence in the disciplinary charges filed against Inspector Ferretti is set for Thursday, October 4, 1990, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

RESOLUTION NO. 613-90

ASSIGNMENT OF A POLICE COMMISSIONER TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JOSEPH P. COGGAN, POTRERO STATION

RESOLVED, that Police Commissioner Edward J. Campana is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Police Officer Joseph P. Coggan, Potrero Station, and be it further

RESOLVED, that pursuant to San Francisco Police Commission rules governing trials of disciplinary cases, attention is directed to Section 3A1, and Officer Coggan therefore, upon immediately notifying his attorney or representative, shall comply with said Section; and be it further

RESOLVED, that the date for the taking of evidence in the disciplinary charges filed against Officer Coggan is set for Thursday, August 16, 1990, 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

POLICE COMMISSION REPORT

(b) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no new items but the next item #7 coming up and he would reserve this time for a lengthy report at that time.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, OCC Director, said he had distributed the Mayor's OCC Goals report for the second quarter in which the Commissioners have and also the Chief. He said in addition to that they have taken the first six months of 1990 and put a Statistical Report together that is quite lengthy. He said there are also policy recommendations at the end of the report and the Chief has also been provided with a separate copy of the policy recommendations in an envelope. He said he would ask that the Mayor's quarterly goals report be scheduled for next week where he would go through it in detail and also during his discussion next week he would discuss when they they may calendar the discussion for those policy recommendations.

PUBLIC HEARING ON SECOND QUARTERLY REPORT OF 1990 POLICE DEPARTMENT GOALS WHICH HAS BEEN ESTABLISHED BY THE MAYOR AND THE CHIEF OF POLICE AS A MEANS OF EVALUATING THE DEPARTMENT"S PERFORMANCE DURING 1990

Chief Jordan said all of the Commissoners have received the Department's lengthy document of its 2nd Quarterly Goals showing three phases that go into what the Commission has asked the Department to

do as far as giving a more appropriate break down in goal achievement. He said the 1st phase is the Hiring and Retention, Promotion and Integration of Department Personnel. But before going into it, he said, this has been a very busy quarter, this 90-day period, with a number of high profile issues from demonstrations and international events like the President Mikhail Gorbachev visit and the International AIDS Conference and he said the Department spokespersons will go into some of these as they develop Part II and Part III in terms of their operational evaluations. He then had the following department personnel speak to the various issues:

GOALS PRESENTATION

Phase I - Hiring, Retention, Promotion and Integration of Department Personnel

Ms. Kathleen Hurley - gave an overview on Status of Entrance and Promotional Exams.

Police Officer Rose Melendez - summarized her report on Recruitment and Retention.

Phase II - Training of Police Personnel

Lt. Bob Berry - commented on Training Delivery: Number of Advanced Officer Training Hours and Specific Hours of Training in dealing with the Homeless.

Lt. Gary Pisciotto - Staff Inspection and Report Writing.

Lt. Sam Craig - summarization of re-designing of Training for the Department's EEO (Equal Employment Opportunity) Program.

Phase III - Organizational Improvements

Commander Michael Brush - gave an overview of the 2nd Patrol Division's responsibility and commented on the Department's new Platoon System and its effects on the team concept.

Captain James Tedesco, indicated that Management Control and OCC had worked out discrepancies in reports and time frames and as a result both backlogs from each has been significantly reduced. He gave statistical breakdown of tracking system and where completed investigations can now be readily located.

Chief of Police Frank Jordan then concluded the presentation by revealing his hands on approach to the overall picture of this 2nd Quarterly Report. He indicated that his participation during this period of time included, just to name a few, Staff Meetings, Walking Tours, Earthquake Preparedness Coordination, The International AIDS Conference, The S.F. Marathon, The Bay to Breakers and Homeless Encampment.

From the public, there was only one speaker and he was Mr. Frank Martin Del Campo, Local 790. He said he was happy to inform the Commission that the Union and the Department had begun discussions on

how to implement a fair and consistent policy of discipline for civilian employees that they represent. He said it is very helpful that they have begun some of these discussions and they are approaching them in a constructive way and he thinks employee morale will be better because of this and the citizens of San Francisco will be served better.

Commissioner Keker, thereafter, said to the Chief, the Deputy Chiefs and all of the members of the Department who contributed that this was a successful event as far as the Commission is concerned and very helpful. The 3rd Quarterly Report was then set for November 7, 1990.

RESOLUTION NO. 617-90

NOTIFICATION AND SETTING OF DATE FOR HEARING OF POLICE OFFICER ERIC A. TERRERO, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Eric A. Terrero, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Refusal to promptly obey all lawful orders of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 4

Refusal to answer questions relating to his employment (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 5

Refusal, when ordered, to submit to an immediate urine analysis (test) (violation of Rule VI(B)(1) of General Order D-18 of the San Francisco Police Department).

SPECIFICATION NO. 6

Engaging in secondary employment without prior written permission from the Chief of Police (violation of Rule 1-C of General Order T-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; and

WHEREAS, the notification and filing of the disciplinary charges against Police Officer Eric A. Terrero was called it having been scheduled for this date; and

WHEREAS, it was the decision of the Police Commission and concurred by Mr. Stephen Whitmore, Attorney at Law representing Officer Terrero, that the date for the hearing of Officer Eric A. Terrero be set for August 29, 1990; therefore be it

RESOLVED, that the date for the hearing of Police Officer Eric A. Terrero is set for Wednesday, August 29, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

HEARING OF POLICE SERGEANT MICHAEL A. WILLIAMS, TARAVAL STATION

The hearing of the disciplinary charges filed against Police Sergeant Michael A. Williams, Taraval Station, was called it having been set for this date. Sergeant Michael A. Williams was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Escorting an underage female trainee dispatcher who was under his supervision to a bar and purchasing beverage alcohol for her (violation of Rule A-2 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which brings discredit on the department or subverts the good order, discipline or efficiency of the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Engaging in conduct which brings discredit on the department or subverts the good order, discipline or efficiency of the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Michael A. Williams appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Stephen Whitmore for the Defense. Mr. Whitmore made a plea of no contest to the charges on behalf of Sergeant Williams.

The plea of Sergeant Williams was unanimously approved and accepted by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by the Chief of Police:

CHARGE NO. 1, NO. 2 AND NO. 3

Forty five (45) days suspension, thirty (30) days to be imposed and 15 days to be held in abeyance for one year, and retraining at the Police Academy, specifically in the areas of EEO.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 616-90

DECISION - HEARING OF SERGEANT MICHAEL A. WILLIAMS, TARAVAL STATION

WHEREAS, on May 14, 1990, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Michael A. Williams, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

CHARGE NO. 1

(1) At all times herein mentioned, Michael A. Williams, Star Number 1346 (hereinafter referred to as "the accused") was a Sergeant of Police employed by the San Francisco Police Department and assigned to the Communications Division, now assigned to Taraval Police Station;

(2) As a Sergeant of Police the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) The accused was assigned to the Communications Division March 17, 1986 through April 28, 1989; the accused was at all times herein mentioned, assigned to supervisory duties on the Day Watch as the Training Officer. His duties included supervising the training and assignment of new employees and the assignment of shifts and overtime for the dispatchers working on the day watch;

(4) At an unknown date shortly before April 3, 1989, the accused, while off duty, escorted a female Communications dispatcher, then in the Department Dispatcher Training Program, to a bar in Burlingame, California;

(5) At the time she accompanied the accused to the bar, the female dispatcher, born on April 29, 1970, was under the age of 21 years. The accused was aware of the female dispatcher's true age and the accused purchased drinks containing beverage alcohol for her in violation of Business & Professions Code Section 25658(a);

(6) The accused by purchasing beverage alcohol for an underage trainee dispatcher, knowing her to be under the age of 21 years, has engaged in conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

CHARGE NO. 2

(7) Paragraphs (1) through (6) of Charge No. 1 hereinabove are realleged herein by reference and incorporated by such reference as though set forth in full;

(8) Three different female 8238 Police Communications Dispatchers assigned to the midnight watch under the supervision of the accused (referred to herein as Complainant #1, Complainant #2 and Complainant #3) alleged that during the period they were under his supervision, the accused engaged in conduct which they felt constituted sexual harassment and fostered a hostile work environment;

(9) Complainant #1 complained to the department that over a period of time the accused had engaged in a series of actions which she did not consider serious enough to report at the time and, that while annoying, she did not document until it became apparent to her that this was a continuing course of conduct which affected others as well as herself. Specifically she alleged that the accused:

A. Stated to Complainant #1 that he desired to have another son, that his wife could not have other children and that he was looking for candidates to bear a son. Complainant #1 considered this statement to be an invitation to have sex with the accused.

B. Stated that he could tell a "clean woman" from a "nasty woman" by looking at her fingernails, and then demanded to see Complainant #1's fingernails. Complainant #1 considered this statement to be a comment on his view of women and a comment on his view of her sexuality;

C. Tried to kiss Complainant #1 on the lips while standing in the parking lot behind the Hall of Justice, and stated to another dispatcher present, "See, nothing shocks (Complainant #1)"; Complainant did not consent to or invite this physical touching;

D. Called Complainant #1 derogatory names in the presence of other members of the department while both of them were on duty; Complainant #1 did not consent to, invite or provoke these comments;

(10) Complainant #2 complained to the department that over a period of time, the accused had engaged in a series of actions which she did not consider serious enough to report at the time and, that while annoying, she did not document dates and times, until it became apparent to her that this was a continuing course of conduct which affected others as well as herself. Specifically she alleged that the accused:

A. On several occasions while both Complainant #2 and the accused were on duty, the accused requested that she see him socially outside the workplace. Complainant #2 did not invite these invitations or "lead the accused on" to continue these invitations;

B. That on February 14, 1989, the accused called Complainant #2 at her home and identified himself as her "main man". Complainant #2 is married and found this language by the accused to be offensive;

C. On three or four occasions the accused asked Complainant #2 where she parked her automobile while she was on duty in Communications, and that he had asked other female dispatchers for the same information. These requests were taken by the recipients to be threatening, as they were often made at or near the time of other remarks set forth herein, to which they had taken umbrage;

(11) Complainant #3 complained to the department that prior to April 3, 1989, the accused had engaged in a series of actions which she did not consider serious enough to report at the time and that while annoying, she did not document dates and times until it became apparent to her that this was a continuing course of conduct. Specifically, she alleged that the accused:

A. Questioned Complainant #3 concerning her dating and told her that he knew someone who wanted to go out with her;

B. Questioned Complainant #3 as to when Complainant #3 would go out for drinks with him. She refused telling him that she would not go out with a married man; she found this to be offensive as he was her supervisor;

C. While Complainant #3 was home off duty, the accused called her and asked if he could come over to her house, even though she had told him that she did not want to go out with a married man;

(12) The accused by permitting or fostering a hostile work environment by reason of his activities constituting sexual harassment of employees under his supervision in violation of Rule VIII(B)(1) of General Order D-17 of the San Francisco Police Department, has engaged in conduct which subverts the good order, efficiency or discipline of the department and which brings discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

CHARGE NO. 3

(13) Paragraphs (1) through (6) of Charge No. 1, hereinabove, and paragraphs (10) through (14) of Charge No. 2, hereinabove, are realleged by reference and incorporated in Charge No. 3 by such reference as though set forth in full;

(14) On or about March 25, 1989, Complainant #3 filed a complaint with the Police Department Equal Employment Opportunity Unit (EEO Unit) concerning accused's sexual harassing behavior and the hostility created by his behavior;

(15) On or about April 3, 1989, the accused was informed and counseled by his commanding officer that the complaint concerning his behavior had been filed;

(16) Complainant #3 who filed the complaint on March 25, 1989, had in the previous months been assigned to work overtime on a regular basis:

(17) Commencing on April 3, 1989 through April 29, 1989, the date that the accused was transferred from the Communications Division to Taraval Station, the accused did not permit Complainant #3 to work any overtime in retaliation for her act of filing a complaint concerning the accused's behavior with the EEO Unit;

(18) The accused by depriving one of the employees he supervised of overtime in retaliation for her objection to his conduct which she considered to constitute sexual harassment, has engaged in conduct which subverts the good order, efficiency or discipline of the department and which

brings discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 25, 1990, and on July 25, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Charge No. 1, No. 2 and No. 3 as preferred by the Chief of Police against Sergeant Michael A. Williams are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

CHARGE NO. 1, NO. 2 AND NO. 3

Forty-five (45) days suspension, thirty (30) days to be imposed and 15 days to be held in abeyance for one year, and retraining at the Police Academy, specifically in the areas of EEO.

and be it further

RESOLVED, that the thirty (30) calendar days suspension shall commence on Saturday, August 4, 1990 at 0001 hours and end Sunday, September 2, 1990 at 2400 hours; and be it further

RESOLVED, that if any violation occurs during the one year period, the fifteen (15) days held in abeyance shall be imposed.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

Recess taken during the hearing of Sergeant Williams:

8:42 p.m. to 8:47 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, Official Reporter, William E. Henderscheid and Associates.)

The meeting, thereafter, was adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5785M

SF Police Commission Minutes

AUGUST 1, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco held their Regular Meeting at Horace Mann Middle School, 3351 23rd Street at 6:00 p.m..

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF JUNE 13, 1990

Approval of Minutes of Meeting of June 13, 1990, the Commissioners having received, approved, and returned copies of same.

DOCUMENTS DEPT.
SEP 19 1990
SAN FRANCISCO

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 624-90

REQUEST OF THE CHIEF FOR POLICE COMMISSION APPROVAL TO ACCEPT A DONATION OF A HORSE BY MRS. VERA MAZZOLA

WHEREAS, Mrs. Vera Mazzola has expressed a desire to donate a horse for the use of the San Francisco Police Department Mounted Unit, and

WHEREAS, this civic minded gesture will provide needed assistance in the protection of life and property in San Francisco, and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by the Department Head of those gifts to the City and County of San Francisco of a value of $5,000 or less, and

WHEREAS, the generous gift from Mrs. Vera Mazzola has an appraised value of $4,999.99; now therefore be it

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to accept on behalf of the San Francisco Police Department a gift of a horse from Mrs. Vera Mazzola to be used by the San Francisco Police Department Mounted Unit.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

POLICE COMMISSION REPORT

Commissioner Giraudo, in addressing the audience, said that on behalf of the Commission he would like to thank them for having the Commission conduct its meeting in the Mission neighborhood this evening. He then advised that the Commission would conduct its regular business in an abbreviated form and thereafter at the end of its agenda there would be Public Comments for anyone who wish to address the Commission on any topic within the Police Commission's jurisdiction that involves the Mission District. He then gave an overview of the function and charge of the Commission as outlined by the Charter of the City and County of San Francisco. He then introduced the SFPD Administrative Staff along

with the Captain of Mission Station, Captain Michael Hebel. Also present were Deputy Mayor Gayle Orr-Smith and OCC Director Mr. Michael Langer and some members of his Staff.

(a) MOTION ON CALENDARING OF NEW MATTERS

Commissioner Keker made a motion to calendar three (3) matters for the Commission's coming agendas: 1) The Commission's Rules Governing Trials of Disciplinary Cases was set for August 29, 1990. 2) A Plan of Action to improve the SFPD Report Writing - What is wrong with it? What is being done about it? And what in addition can be done about it? Set for September 19th, 1990. 3) Discussion re: Police Officers being used and taken away from street duties to guard prisoners at SFGH and YGC, set for September 5, 1990. The motions were all seconded and unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan discussed the City's shortfall of funds stating that monies that were earmarked for the City coming from the State will be 15 to 20 million dollars less than anticipated particularly in the areas of Mental Health, Social Services and Child Welfare and this, he said, is just to let all of his Department Heads know that there will be another round of public discussion to see where the cuts will be coming from.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, said that in the OCC Statistical Report there has been one additional item and it is regarding the 8 Police Recommendations which are derived in part from sustained cases that the Chief was sent about a month ago and the Chief has received a second copy of just that addition in a letter. He said secondly he had spoken to Lt. Frazier at Commissioner Keker's request to schedule those 8 Policy Recommendations for the Commission and he would issue a press release of those issues that are coming forth publicly before the Commission. He said the 3rd item is that they have begun a recruiting process for the OCC Staff Attorney and have prepared an ad that is available tonight at the front table and they also sent them out to numerous Community Agencies for anyone who is interested.

SECOND QUARTERLY REPORT OF 1990 OCC GOALS SET BY THE MAYOR

Mr. Michael Langer, Director of the OCC gave an overview of the OCC's experience and efforts towards their goals as follows:

Goal #1 - Stronger emphasis on quality control in the investigative process so that all reports and recommendations will be based solely on impartial fact finding. The Commission should seriously consider the hiring of a Staff Attorney to help achieve this goal. Mr. Langer said the number of OCC cases for this quarter has increased but the

downside is that the OCC backlog has not decreased. He said, however, statistically and in all actuality the focus has been on sustaining a large number of cases.

Goal #2 - Structure the Office to permit more effective management and supervision, promoting greater accountability and protecting the integrity, credibility and confidentiality of reports. Mr. Langer said a Management Plan has been developed by the Senior Management Staff and presented to the two Liaison Commissioners, Commissioner Keker and Commissioner Campana. He said a time table is being developed under his guidelines based on the input from the Senior Staff and once developed the office will proceed with the implementation of strategies as developed and approved.

Goal #3 - A further reduction in the backlog of cases through more efficient Management and Operations. Mr. Langer said there are currently 663 pending OCC cases as of June 30, 1990 and is a reduction from 675 pending March 31, 1990. He said a continuing emphasis will be placed during the forthcoming quarter on reducing this backlog of unwritten sustained cases in a more timely manner.

Goal #4 - Enhancement of Community Outreach Programs, especially in Bilingual Communities, so that citizens will understand the purpose of the OCC and be encouraged to use its services. Mr. Langer said that in his discussion with Police Commissioners Campana and Keker one of the focuses of this particular quarter has been an educational process to teach people what constitutes Police Misconduct and how they undertake filing a complaint. He said they have met with a number of community agencies as well as having met with the State Department and the African American Internal Association regarding other contingents of various countries in Africa and they also met with people from Malawi and Somalia and this week they would be meeting with the Attorney General of Tanzania to show them how this process of government works in San Francisco.

Goal #5 - Stronger emphasis on In-Service Training to insure that high standards of professionalism, objectivity and quality control will be met. Mr. Langer said OCC Staff have participated in POST courses and there is a chart attached to the Goals Report and available for all to see which will be utilized by and enable the OCC coordinators to review and schedule training in a more organized manner. After concluding his presentation, Mr. Langer answered questions from Commissioners Craig and Campana in regards to OCC backlogs and training and the various types of complaints filed against SFPD Officers.

Speakers from the public were Mr. John Crew, ACLU, who spoke of the length of time to have sustained cases by OCC come before the Commission and his concern about the OCC Statistical Report and its format. Ms. Mary Vail, Bar Association, also registered her concerns about the OCC backlog especially on cases that were more than 90 days old.

An unidentified female speaker complained that she had filed a complaint in January of this year and had heard nothing from it. She was advised that some complaints take priority over others and based

on the complaint she had filed it was probably in the low priority category. She was advised that Mr. Langer would help her determine where her case is at the present time.

RESOLUTION NO. 622-90

SECOND QUARTERLY REPORT OF 1990 OCC GOALS SET BY THE MAYOR

RESOLVED, that the Police Commission has accepted the second quarterly report of the 1990 goals set by the Mayor for the Office of Citizen Complaints.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 623-90

RESETTING OF DATE FOR HEARING OF POLICE OFFICER ERIC A. TERRERO, MISSION STATION

WHEREAS, the resetting of date for the hearing of Police Officer Eric A. Terrero, Mission Station, was called it having been scheduled for this date; and

WHEREAS, Mr. Casimir A. Wilson, Attorney at Law, advised that he was withdrawing his request for resetting of a date and that he was no longer representing Officer Terrero; therefore be it

RESOLVED, that the date for the hearing of Officer Eric A. Terrero will remain as set on August 29, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

PUBLIC COMMENTS

Mr. Keith McHenry, Food not Bombs, said the SFPD had spent over 100,000 dollars by arresting him and keeping him from serving free food in San Francisco.

Ms. Ruth Bernstein complained of a Pawn Shop Permit being granted on Mission Street and their efforts go far to appeal it. Mr. Pat Howard said that he is concerned about the increase in crime and what the SFPD is doing to train new officers to respond to critical calls for services in a timely fashion. He said this inability on the part of the officers is also because of a number of Police Stations are sharing the same radio frequencies. Chief Jordan responded and advised that efforts are being made to increase the numbers of police officers along with their training and he would look into the matter of some stations not being able to pick up emergency calls in various districts.

Ms. Ruth Bigbon, President of the Latino Democratic Club, said their organization is happy to see the Police Commission coming out to the community. She offered suggestions as to how to get more people to attend these meetings. Ms. Brenda Lawadar, spoke of Officers and their inability to settle Landlord/Tennant disputes. Mr. Michael Langer, OCC Director, advised her that there is a

hearing sheduled by the Police Commission on Landlord/Tennant Disputes that she and others are welcome to attend on September 12, 1990 at 5:30 PM, Hall of Justice, Room 551.

Ms. Carlene Williams, Commissioner of the SF Housing Authority, said she was not here to complain but was very proud to see the Commission meeting out in the community. She said she would like to commend Mission Station for always sending a representative to their meetings of the Valencia Gardens Tennants Association. She then presented the Commissioners with a draft of a program they have instituted to deal with problems at the Valencia Gardens Housing Unit.

Mr. John Barley, Vice President of the Liberty Hill Neighborhood Association, he also registered concerns about the Pawn Shop Permit, Liquor Licenses and Cabaret Permits approved for the Mission District.

Mr. Frank Martin Del Campo, Local 790, advised the Commission and the Department about how to maintain civilian staffing levels and how to maintain better relations with the community from which the civilian staff comes.

Mr. Robert Rubin, SF Lawyers Guild, discussed the progress of the alleged complaint of the SFPD assisting the INS in the Fisherman's Wharf Area and was advised that a complaint was just filed this afternoon in that matter with the OCC. However, the SFPD had an on-going investigation of which is almost 80% completed and they would now work with the OCC in the matter so as not to have dual investigations in to the same subject.

Ms. Barbara Anusell, long time Mission District resident, said she wanted to speak about the CPOP Program instituted in the Mission District by Mission Police Stastion and she commended the program and hoped that it would be continued.

Ms. Rose Churchwar, Co-chair of the South Mission Approvement Association, invited the Commissioners out into the district to walk what is known as the Mission Miracle Mile to see the many problems that are there in district.

Ms. Vivian Exavian, expressed her concerns about the recent appeal of the Mission District Pawn Shop Permit which was turned down and the lack of sufficient police personnel to stem what she feels is a constant growth of crime and violence. She also wanted to know what district integrity meant which was explained to her by Commander Michael Brush. She then stated that in her opinion people would be willing to pay extra taxes to increase the size of the SFPD if the monies collected be guaranteed to go for just that purpose.

Captain Michael Hebel, Commanding Officer of the Mission District then gave a summary of the progress and attempts to solve some if not all of the problems in the district. He said the Mission District is the only police district in San Francisco that has the CPOP Program (Community Police Officer on Patrol) which includes one officer on a bicycle and is the only station with a Crime Abatement Unit. He said he would also be sending

invitations to the Commissioners to come out and check out the Mission District to see what exactly is taking place. Thereafter, Commissioner Giraudo thanked everyone for having the Commission come out to the Mission District and welcomed the invitation to come back. He said the Commission look forward to meeting the next time with a much larger crowd. The meeting was then adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5805M

[MINUTES]

AUGUST 8, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, August 8, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF JUNE 20, 1990

Approval of Minutes of Meeting of June 20, 1990, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

No Police Commission Report.

DOCUMENTS DEPT.
SEP 24 1990
SAN FRANCISCO
PUBLIC LIBRARY

(a) MOTION ON CALENDARING OF NEW MATTERS

None.

(b) PUBLIC COMMENTS

Mr. John Crew, ACLU, addressed the Commission regarding the Commission's continuation of the Welch, et al to wait for a decision in the Bradshaw Case, a case in L.A. that speaks to officers' privacy rights. He said he hopes that this city, through this Police Commission and the OCC, will argue for as much openness in the Welch, et al as possible. Continuing on another subject, he spoke of five (5) areas of concern the ACLU has on the OCC Statistical Report. He said number one, is the delay in the production of the Statistical Report. He said they would ask that the Commission make sure that the OCC commence, as is required by the Charter, producing these reports in a timely manner. 2) Contents: Policy Failures on Sustained Cases, he said this is definitely not the officers' fault, the policy should be changed. He said to list this category of sustained complaints is like stacking the numbers. He requested the Commission to direct the OCC to separate this category out as it is not consistent with the Commission's definition. 3) Disposition Information: He said there are eleven (11) cases citing suspensions without giving the length of time. He said the last two (2) areas in the report has to do with what sort of sustained cases are going to the Commission. He said Commission Policy was that violations of General Order L-1 cases would all go to the Commission and it has been two years since this policy was adopted and they are unaware of a single case going to the Commission. 5) Unnecessary Force cases: Confusion as to the Commission's Policy in this area as it has been said that all would come before the Commission and yet the OCC Statistical Report shows that out of seven (7) compeleted cases three (3) of the unnecessary force cases were handled by the Chief. Mr. Langer of the OCC then gave an explanation of what the OCC has been doing and what it intends to do about some of these matters as pointed out by Mr. Crew. At this time the subject of a case of unnecessary force, where an officer sprayed mace into the complainant's face was discussed in part by Mr. Crew but he was advised

that a letter on this subject should be written to the Commission as this was not the forum to seek remedies.

Mr. Paul Chignell, Vice President of the POA, said he represented the officer just discussed in the macing incident and he resented, very strongly, that case being re-hashed in this forum as the matter has been disposed of and they are very pleased with the results.

Sergeant Steve Johnson, Secretary of the POA, expressed his concerns over the delay in OCC interviewing officers after the complainant had complained in September 1989 and the officers being interviewed just yesterday. Mr. Langer said there is no reason why they have not been notified as the Morning Report is sent out regularly and it is up to the Commanding Officers to see that those notifications are made. They were both advised to sit down with Captain Tedesco to see if this matter could be solved through the chain of command.

Ms. Diana Bullock, attorney, said she was the victim of the macing that was just discussed. She then gave a detailed account of the occurrence and how she made her complaint. She was advised to send the Commission the items she had gathered to support her case and they advised her they would determine what further steps, if any, should be taken.

Mr. Keith McHenry, Food not Bombs, presented a letter to the Commission, written by Supervisor Terrence Hallinan, saying that he had received information from the Department that the Department had spent at least 116,000 dollars in an attempt to stop Food not Bombs from providing free food to homeless people in city parks. He said this is the kind of thing the taxpayers are interested in during this City's budget crunch.

Ms. Mary Vail, Bar Association, said from some of the discussion held here tonight that maybe more guidelines are needed for the OCC in the investigative protocols on the different types of non-cooperation L-1 violation cases and the kinds of information that needs to be gathered during the course of an investigation.

Ms. Ophelia Sylvia Meed, Advocate for Human Rights, said the SFPD Officers are out of control.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan being on vacation, Assistant Chief Casey said there would be no Chief's report this evening.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, had several items and began with matters of SFPD Officer cooperation in accordance with the newly amended General Order L-1 and the Member Response Form A. He said there are at least 15 incidents or complaints of untimeliness in notifications. He said the Captains in the Department should be reminded to see that this information is passed downward. He said he is requesting the sub-committee of the

Police Commission to get involved in this issue along with another issue that has to do with streamlining the OCC's Statistical Report. He then mentioned that the Commission at its District Meeting in the Mission was advised of the status of the investigation of the complaint regarding the incident wherein officers allegedly assisted the INS in arresting people in the Fisherman's Wharf area. He said Management Control, who was originally investigating the complaint, has now turned it over to the OCC. He said the last item he had was the OCC's quest for a Staff Attorney is proceeding and they have placed ads in the Recorder to run for two (2) weeks and have undertaken a mass mailing process to try and see that the position is quickly filled.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Date to present the Awards remains flexible as to late in September or early October.

Commissioner Campana said that he would make a motion to recommend to the Mayor that he preside over the Award Ceremony and that it take place at the City Hall, the Mayor's Office Ante Room. He said he makes this motion because he thinks that the Awards that they are dealing with this time are fairly significant as there are three Gold Medals of Valor that are to be presented and deserves as much attention as can be brought to it. Commissioner Lee seconded and it was unanimously approved, coupled with the acceptance of the Recommendation of the Awards Committee.

RESOLUTION NO. 625-90

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, August 3, 1990; and

WHEREAS, Chief of Police Frank M. Jordan has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Sergeant Frederick Schiff, Officer Jeremiah Morgan and Officer David Seid are hereby awarded the Gold Medals of Valor and granted rewards of $500.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Officer Edmund Cota and Officer Daniel Yawczak, be, and they are hereby awarded Silver Medals of Valor and granted rewards of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant Edward Dullea, Sergeant James Hampton, Sergeant James Hall, Sergeant John Sterling, Inspector Robert Hulsey, Officer Richard Andrews, Officer Arthur Borges, Officer James Custer, Officer Michael Fernandez, Officer William Garcia, Officer Ricardo Galande, Officer William Griffin, Officer Thomas Heffernan, Officer John

Lanfranchi, Officer James McAllister, Officer Jeremiah Morgan, Officer Christopher Olocco, Officer John Sanford, Officer David Seid, Officer Keith Singer and Officer Michael Travis, be, and they are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant Daniel Dougherty, Sergeant David Roccaforte*, Inspector Richard Bruce*, Inspector Anthony Camilleri, Inspector Gary Elsenbroich, Inspector Peter Godbois, Inspector Theodore C. Peck (retired), Officer Lou Bronfeld, Officer William Bush*, Officer Michael Huddleston, Officer Mark McDonough and Officer Vincent Vago*, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

*Two Meritorious Conduct Awards

ACCEPTANCE OF FINDINGS OF FACT OF THE HEARING OFFICER ON PUBLIC CONVENIENCE AND NECESSITY - TAXICABS

Captain Gregory Winters was acknowledged as the presenter of the findings and Commissioner Giraudo said the Captain's Findings of Fact and Recommendation is not binding on the Commission as the Commission will be free on August 22, to ask whatever questions it may have about this particular report the Captain has presented and also to accept testimony if it so desires from the public or to have members of the public respond to its questions. Captain Winters acknowledged this and added that the purpose also is intended for challenges to specific findings within the frame of those findings rather than have another free for all hearing.

ACCEPTANCE OF FINDINGS OF FACT OF THE HEARING OFFICER ON PUBLIC CONVENIENCE AND NECESSITY - TAXICABS

RESOLVED, that the findings of fact of the Hearing Officer on Public Convenience and Necessity - Taxicabs were officially approved by the Commission, and public discussion on this as it relates to Public Convenience and Necessity will be held at the meeting of August 22, 1990.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

HEARING OF CAPTAIN WILLIAM N. WELCH, ADMINISTRATIVE BUREAU, SUPPORT SERVICES

The hearing of the disciplinary charges filed against Police Captain William N. Welch, Administrative Bureau, Support Services, was called it having been set for this date.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall, and also representing Mr. James P. Collins, Attorney at Law for Lieutenant Thomas J. Lang.

An opening statement was made by Mr. Bookin for the Prosecution. Mr. Bookin's "Memorandum of Points and Authorities in Opposition to Closing Disciplinary Hearing" was noted as presented.

An opening statement was made by Mr. Chesley Quaide, Attorney at Law with Davis, Reno and Courtney, representing Officer Francis Achim. Mr. Quaide stated the position of the law firm of Davis, Reno and Courtney as stated in their letter of August 1, 1990.

An opening statement was made by Mr. James Lassart, Attorney at Law.

Mr. Stephen Whitmore, Attorney at Law, representing Captain William N. Welch, concurred with Mr. Lassart and the position stated in Mr. James Collins' letter, and said he had nothing more to add.

The Police Commission recessed and in closed session conferred with the City Attorney and reconvened, stating it was their decision to stay with the original Pre-Trial order as previously issued in this case.

Two dates were then set to commence hearing on the issues. They are Wednesday, September 26, 1990 and Wednesday, October 3, 1990.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Captain Welch:

7:30 p.m. to 7:45 p.m.

HEARING OF LIEUTENANT THOMAS J. LANG, NORTHERN STATION

The hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Northern Station, was called it having been set for this date.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall, and also representing Mr. James P. Collins, Attorney at Law for Lieutenant Thomas J. Lang.

An opening statement was made by Mr. Bookin for the Prosecution. Mr. Bookin's "Memorandum of Points and Authorities in Opposition to Closing Disciplinary Hearing" was noted as presented.

An opening statement was made by Mr. Chesley Quaide, Attorney at Law with Davis, Reno and Courtney, representing Officer Francis Achim. Mr. Quaide stated the position of the law firm of Davis, Reno and Courtney as stated in their letter of August 1, 1990.

An opening statement was made by Mr. James Lassart, Attorney at Law.

Mr. Stephen Whitmore, Attorney at Law, representing Captain William N. Welch, concurred with Mr. Lassart and the position stated in Mr. James Collins' letter, and said he had nothing more to add.

The Police Commission recessed and in closed session conferred with the City Attorney and reconvened, stating it was their decision to stay with the original Pre-Trial order as previously issued in this case.

Two dates were then set to commence hearing on the issues. They are Wednesday, September 26, 1990 and Wednesday, October 3, 1990.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Lieutenant Lang:

7:30 p.m. to 7:45 p.m.

HEARING OF SERGEANT JAMES B. HALL, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

The hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Field Operations Bureau, Headquarters Co., was called it having been set for this date.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall, and also representing Mr. James P. Collins, Attorney at Law for Lieutenant Thomas J. Lang.

An opening statement was made by Mr. Bookin for the Prosecution. Mr. Bookin's "Memorandum of Points and Authorities in Opposition to Closing Disciplinary Hearing" was noted as presented.

An opening statement was made by Mr. Chesley Quaide, Attorney at Law with Davis, Reno and Courtney, representing Officer Francis Achim. Mr. Quaide stated the position of the law firm of Davis, Reno and Courtney as stated in their letter of August 1, 1990.

An opening statement was made by Mr. James Lassart, Attorney at Law.

Mr. Stephen Whitmore, Attorney at Law, representing Captain William N. Welch, concurred with Mr. Lassart and the position stated in Mr. James Collins' letter, and said he had nothing more to add.

The Police Commission recessed and in closed session conferred with the City Attorney and reconvened, stating it was their decision to stay with the original Pre-Trial order as previously issued in this case.

Two dates were then set to commence hearing on the issues. They are Wednesday, September 26, 1990 and Wednesday, October 3, 1990.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Sergeant Hall:

7:30 p.m. to 7:45 p.m.

HEARING OF POLICE OFFICER WILLIAM S. TAYLOR, PERSONNEL DIVISION

The hearing of the disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, was called it having been continued from the meeting of May 16, 1990.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer William S. Taylor appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

An opening statement was made by Ms. Carole Seliger, who had reserved an opening statement until the defense case began.

The following exhibit was entered into evidence by the Prosecution:

Exhibit #12 Memo from Lt. Welch to Acting Capt. John C. Gleeson, 10/13/86, Subj: After action report on Contra Demonstration, 2850 Alemany Blvd. (Spanish Cultural Center), 2 pages

The following witnesses were called by the Defense, were sworn and testified:

Deputy Chief Frank Reed, Investigations Bureau
Captain Williamn Welch, Field Operations Bureau
Dr. Norman M. Shapiro, Surgeon, Presbyterian Hospital

The following exhibit was entered into evidence by the Defense:

Exhibit A CAD Report, 2 pages, C89-040/686

The hearing was then continued to Wednesday, August 15, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 9:30 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5814M

AUGUST 22, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, August 22, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF JULY 11, 1990

Approval of Minutes of Meeting of July 11, 1990, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.

OCT 16 1990

PUBLIC LIBRARY

POLICE COMMISSION REPORT

Commissioner Giraudo said that the Commission, just before commencing this evening's meeting, received a confidential report with respect to the matter involving the incident of Ms. Diane Bullock at the demonstration at the Federal Building several months ago along with a memo on the same issue from Mr. John Crew, ACLU. He said it is the intention of the Commission to take this week to read those documents and to convene in an Executive Session on a Personnel Matter with the Chief next week in the event the Commission has any questions with respect to that particular case

(b) PUBLIC COMMENTS

Mr. John Wahl said he was speaking in reference to item #9 on the calendar that the charges in that matters on appeal did not involve the taping with knowledge and consent of a telephone call initiated by Inspector McCoy to Mr. Paul and if so the crux of the whole complaint is being avoided. He said he thinks the public needs to know this.

Commissioner Keker who was the Commissioner in the Taking of Evidence in this matter said the entire issue was a matter of public record, in that there was an OCC Process after the filing of a complaint, an appeal from the Chief's Letter of Suspension which stated what the charges were and they were all made public, the hearing was public which was conducted for several days and it has been well out there for the public and the Commission has to decide the case that was presented to it.

Mr. John Crew said he was confused as to how the Commission was going to proceed next week on its Taking of Evidence by one Commissioner - Public Discussion. He said for instance he would like to know the cost for transcripts for this process, the number of hearings and that sort of basic factual information and at this point he did not know if it is planned to be presented or is it possible in the short week to prepare some sort of brief analysis that would be available to the public on those factors.

Commissioner Keker said that was a very good point that all of it is a matter of public record and the Secretary of the Commission is now asked to

prepare for instance, statistics on x number were referred, x number of hearings were held, x number were disposed of, which at this date is going to be relatively small and if there is information about transcript cost that should be provided.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had two items to report and the first is good news and it is a notification to the Commission that the Department has an Acting Executive Director of the Senior Escort Program, Ms. Rochelle Frazier and has been with them since the month of July.

Chief Jordan then gave the Commission some background on her qualifications and thereafter asked her to come forth and address the Commission. Ms. Frazier thanked the Chief for the Senior Escort Program and for the SFPD. She said for the last month she had been working with the Staff and they are developing a working team and it will be a good team to serve the seniors and the Community. She said she hoped to be of service to the Commission and they may call upon her at any time. Chief Jordan said the next item is that Commissioner Keker was concerned about the re-bookings and the delays out at the City and County Hospital in terms of who was going to coordinate efforts between the Sheriff's Department and the Hospital Security and the Police Department and he had Commander Brush come forward and make a response to the Commissoner's request. Commander Brush said he met with the parties involved and there is already in effect a written agreement between the hospital and departments including the Sheriff's Department about uniformed officers being given priority treatment at the hospital. He said the problem is the way they operate at the hospital as they use the triage type process which means that the most seriously injured people are treated first. He said the only thing they could come up with and it is basically being used now by the Sheriff's Department is the fact that the Department would have to institute some kind of system for releasing the guard on prisoners. He said the system would be that when an officer brings in a prisoner to the Triage Center and if it is determined that they would have to wait over 90 minutes then the Officer would go to the Hospital Police Counter which is nearby and fill out a form or cite the person. He said the form would state that the person is still under custody and he/she must return after his treatment is over or if they did not do so be charged with escape. He said the officer would then leave. The person, when his treatment is over would then return to the Hospital Police where they would call the department and the department would send a wagon and that person would be booked. He said there would be eight different criteria that would be used for a person to qualify to be left under this system. He said this system would greatly relieve a lot of officers standing there for hours. Commissioner Keker thanked the Commander and said he would like to talk more to him about this matter.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Ilene Luna, Chief Investigator of the OCC, filled in for Director Langer and said they were faced with a 2% budget cut which means they would

have to lay off personnel. She said they would be appealing to the Mayor to not be required to make this 2% cut. She said the Staff Attorney Position in the budget could not be filled because of the budget crunch until October 22. She said they have placed ads for the position and have received over 20 resumes from all over California.

Commissioner Keker advised her that the sub-committee of the Commission will be interested in knowing what procedure is planned for selecting the Staff Attorney and was advised that Mr. Langer would provide the committee with that information.

PUBLIC HEARING ON OCC POLICY RECOMMENDATIONS

Ms. Luna had OCC Investigator Larry Shockey present the reasons for the recommendations.

(a) PROPERTY RECEIPTS

The case, 39 pieces of property confiscated and taken to Mission Police Station and the party at the time of possession was not given a property receipt until the next day. The Commission, after listening to a presentation made by Lieutenant Pisciotto to correct the issue approved the OCC recommendation and recommended amendment to Department's General Order at this time.

(b) DUTY OF STATION KEEPER

The Commission after hearing testimony in this matter decided not to approve this recommendation at this time.

RESOLUTION NO. 634-90

OCC POLICY RECOMMENDATION - DUTY OF STATION KEEPER

RESOLVED, that the policy recommendation on Duty of Station Keeper is not approved at this time.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 635-90

SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICER DAVID J. GOFF, PARK STATION

WHEREAS, the setting of date for the taking of evidence by a Commissioner in the disciplinary charges against Police Officer David J. Goff, Park Station, was called it having been set for this date; and

WHEREAS, in the absence of Officer Goff or his counsel, the matter was continued for one week; therefore be it

RESOLVED, the setting of date for taking of evidence in the charges against Officer David J. Goff is continued to Wednesday, August 29, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON POLICE INSPECTOR FRANK McCOY, HOMICIDE SECTION

WHEREAS, the decision on the appeal of the Chief's suspension imposed on Police Inspector Frank McCoy, Homicide Section, was called, it having been set for this date; and

WHEREAS, the decision on the appeal of the Chief's suspension was continued for one week to allow the Commissioners to view the video tape testimony of the late Bill Paul; therefore be it

RESOLVED, the decision on the appeal of the Chief's suspension imposed on Inspector Frank McCoy is continued to Wednesday, August 29, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Giraudo, Keker, Lee
NAY: Commissioner Craig

RESOLUTION NO. 637-90

STATUS ON HEARING OF POLICE OFFICER EMILY R. FIELDS, INGLESIDE STATION

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Emily R. Fields, Ingleside Station, was called it having been set for this date; and

WHEREAS, Ms. Colette Jolicoeur, Attorney at Law representing Officer Fields, stated that Officer Fields had an injury this date and requested continuance; and

WHEREAS, the Police Commission ordered, through the Chief of Police, that Officer Fields be present next week for a status report on the disciplinary charges filed against her; therefore be it

RESOLVED, that the status report on Officer Emily R. Fields is continued to Wednesday, August 29, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

HEARING OF POLICE OFFICER JOSEPH P. COGGAN, POTRERO STATION

The hearing of the disciplinary charges filed against Police Officer Joseph P. Coggan, Potrero Station, was called it having been set for this date. Officer Joseph P. Coggan was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Failure to prevent crime while off duty (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Joseph P. Coggan appeared in person and was represented by Ms. Colette Jolicoeur, Attorney at Law.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Ms. Colette Jolicoeur for the Defense. Ms. Jolicoeur entered a plea of no contest to the charges on behalf of Officer Coggan.

The plea of Officer Coggan was unanimously approved and accepted by the Commission.

Based on these findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by the Chief of Police:

CHARGE NO. 1 AND NO. 2

Forty five (45) days suspension, thirty (30) days to be served and fifteen (15) days to be held in abeyance for two years, and continue participation in an Alcoholic Education Program that he is currently in to be followed up under the auspices of General Order D-4 for the entire two-year period.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 638-90

DECISION - HEARING OF OFFICER JOSEPH P. COGGAN, POTRERO STATION

WHEREAS, on July 3, 1990, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Joseph P. Coggan, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

(1) At all times herein mentioned, Joseph P. Coggan, Star Number 2145 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to Company "C", Potrero Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On March 12, 1990, at or about 0200 hours, the accused was off duty operating a pick-up truck proceeding northbound on Highway 101 from the Golden Gate Bridge toll plaza to the vicinity of 2nd and Irwin

Streets, in the City of San Rafael, County of Marin, State of California;

(4) At said time and place, the accused was driving a pick-up truck at a high rate of speed, at which time a California Highway Patrol Officer gave chase, but was unable to catch up to the accused who was traveling in excess of 100 miles per hour. The officers radioed ahead for help in stopping the accused;

(5) As the accused drove northbound through the Golden Gate Bridge toll plaza, the accused was traveling at 50+ miles per hour (posted advisory speed 25 mph). The accused continued northbound up the Waldo Grade, through the tunnel and down the northern portion of the Waldo Grade in excess of 100+ mph. The pursuing C.H.P. officer was traveling in excess of 105+ mph and unable to gain on the vehicle driven by the accused

(6) At northbound Highway 101 at State Route 131, a C.H.P. sergeant joined the chase and pursued the accused at speeds in excess of 105+ mph. Upon reaching the San Rafael "flats" (City of San Rafael), the accused slowed his vehicle and moved to the right lane. The C.H.P. sergeant activated his overhead lights and the accused exited the freeway (Hwy 101) at the Irwin Street exit, proceeded to the intersection and stopped for the red light, proceeded through the intersection at Second Street on the green light and pulled over and stopped at the right curb;

(7) As the accused stopped his vehicle, the first pursuing C.H.P. officer arrived at the scene and ordered the accused to exit the vehicle. The accused was slow in responding and again was ordered out of his vehicle at which time the officer noted that the accused was unsteady on his feet, swayed from side to side as he walked and his balance appeared to be impaired. The accused was unable to find his driver's license and an open container of an alcoholic beverage was found in his truck. The accused appeared to be intoxicated and refused to answer questions when asked;

(8) The C.H.P. officer demonstrated the field sobriety tests (F.S.T.) and the accused was uncooperative and refused to perform the requested F.S.T. test and refused to submit to a blood alcohol test as requested as required by Vehicle Code Section 23157(a);

(9) The accused was placed under arrest for a violation of Vehicle Code Section 23152(a). The C.H.P. officer attempted a bent wrist control hold on the accused. The accused began to resist the hold and in the officer's attempt to pin and control the accused, the two C.H.P. officers and the accused fell to the ground. The accused was then handcuffed and transported to the Marin County Jail;

(10) By becoming intoxicated and driving an automobile at a high rate of speed in violation of Vehicle Code 23152(a) and failing to cooperate with a peace officer during the exercise of his official duties, the accused has engaged in conduct which subverts the good order, efficiency and discipline of the department and reflects discredit on the department, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

CHARGE NO. 2

(11) At all times herein mentioned, Joseph P. Coggan, Star Number 2145 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to Company "C", Potrero Station;

(12) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(13) On March 12, 1990, at or about 0200 hours, the accused was off duty operating a pick-up truck proceeding northbound on Highway 101 from the Golden Gate Bridge toll plaza to the vicinity of 2nd and Irwin Streets in the City of San Rafael, County of Marin, State of California;

(14) At said time and place, the accused was driving a pick-up truck at a high rate of speed and was stopped and arrested by the California Highway Patrol for driving a motor vehicle on a highway while under the influence of an alcoholic beverage;

(15) The accused was charged with a violation of Vehicle Code Section 23152(a), pled guilty, and was convicted of having violated Section 23152(a) on March 29, 1990, in the Municipal Court, County of Marin;

(16) California Vehicle Code makes it a criminal offense to drive a motor vehicle on a public highway when a person is under the influence of an alcoholic beverage;

(17) By driving a motor vehicle on the highway while under the influence of an alcoholic beverage, a violation of Vehicle Code 23152(a), the accused has engaged in conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers shall, while off duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 22, 1990, and on Wednesday, August 22, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Charges No. 1 and No. 2 as preferred by the Chief of Police against Police Officer Joseph P. Coggan are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

CHARGE NO. 1 AND NO. 2

The Commission accepts the Chief's recommendation of forty-five (45) days suspension, fifteen (15) days held in abeyance for two years, and additionally to require at the end of the 15 week program that a Personnel Committee chaired by Captain James Tedesco convene to prepare a report to the Commission that should be presented to the Commission within 18 weeks of this date and brought to the Commission in Executive Session with Officer Coggan present in order to review his progress and what discoveries he has made about himself and the conclusion reached by the D-4 Committee.

and be it further

RESOLVED, that the thirty (30) calendar days suspension shall commence on Thursday, August 23, 1990 at 0001 hours and end Friday, September 21, 1990 at 2400 hours; and be it further

RESOLVED, that if any violation occurs during the two year period, the fifteen (15) days held in abeyance shall be imposed.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Recess taken during the hearing of Officer Coggan:

7:00 p.m. to 7:12 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

PUBLIC DISCUSSION ON PUBLIC CONVENIENCE AND NECESSITY ON TAXICABS

Commissioner Giraudo advised everyone that the hearing this evening was for the purpose of allowing response to the Findings of Fact that was submitted by Captain Gregory Winters. He said the Commission was seeking a response in the form of new commentary that has not been previously submitted. He said the transcripts of all of the hearings have been made available to and reviewed by all of the Commissioners. He said there has been a response received from Mr. Philip Ward, Attorney, regarding those findings and also a Staff Report received from the Legal Office in response to the Captain's Findings all of which has been read by the Commission. He then advised those who intended to speak if they are speaking individually or on behalf of themselves that they would be allowed three minutes. He said if they are speaking on behalf of an organization they would be allowed to speak no more than six minutes. He said if the Chair determines that what they are saying is cumulative or already in the record he would ask them to sit down. He said he would first ask Jerry Lee, who is present this evening and is chairman of the Mayor's Task Force on PC&N, what, if any, recommendations the Mayor's Office and Task Force have with respect to PC&N. He then asked Mr. Lee to give the Commission a description of the process that is being followed or has been followed and what their recommendations are and where their Task Force is going from here.

Mr. Jerry Lee then came forward and gave the Commission a written and verbal report regarding the Task Force's on going efforts to determine the needs of the Taxi Industry as to Public Convenience and Necessity. After Mr. Lee's presentation the other speakers were as follows:

Mr. Patrick Shannon - Yellow Cab, Al Hall, Vice President - Cab Drivers Association, Arthur Lempice - Yellow Cab, George Summers - Cab driver, John Brandy - Driver/Owner, Mark Selby - Cab driver, Bashir Ragin - Cab Driver, Rua Grafis - Cab driver, Carl Roberts - Driver/Owner, Mike Sealy - Driver/Owner, Mark Bruberg - Driver/Owner, Robert Lustermier - Driver/Owner, Philip Ward - S.F. Taxi Association, Robert E. Richardson - Local 278, Richmond Lowensohn - City Cab, Fred Seronick - City Cab, Jote Kejela, David Vesty, John Williams, and Bob Franklin - Local 278.

After listening to all of the above, the Commission continued the matter to September 19, 1990 at which time a determination of the issues would be made.

The meeting was then adjourned at 8:40 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5831M

AUGUST 29, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, August 29, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF JULY 18, 1990

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening on Litigation and Personnel Matters with the City Attorney and no votes were taken.

POLICE COMMISSION REPORT

(a) MOTION OF CALENDAR NEW MATTERS

A motion was made by Commissioner Craig to hold a Public Discussion on the department's dress code relating to the wearing of beards. The motion was seconded and it was unanimously approved for the Commission's Calendar of the 12th of September.

(b) PUBLIC COMMENTS

Mr. William Rose spoke of his being a victim of a stabbing two (2) weeks ago just one block from his residence in the South of Market District. He said there needs to be a greater degree of visibility of police patrol especially at night.

Sergeant Steve Johnson, Secretary of the SFPOA, said in regards to the subject just discussed, it would be nice if they had to just look at one part of San Francisco but unfortunately due to the amount of crime currently in the city one must look at the overall picture. He said the association would gladly join in a special committee possibly appointed by the Commission to look at the manner in which the SFPD are handling the calls for service. He said there is a great deal of apprehension, not only on the part of the citizens of the city, but on the part of the men and women of the SFPD as to their own safety.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had two (2) incidents that he would like to profile tonight and both were stressful situations involving police officers. He said the first was on Friday, August 24 at 1:30 AM when the officers responded to a call of a distraught individual who threatened to kill his wife and children. He said two officers responded and when they arrived they observed the individual through the window with a gun pointed into his mouth. When he saw the officers he suddenly pointed the weapon at them and fired striking one officer in the knee. The other officer then kicked in the door and the suspect firing a Mac 10 automatic weapon with 30 rounds in the clip fired on the officer striking him in the chest but fortunately the

officer was wearing a bullet proof vest. He said the suspect fired 14 rounds and the officers both emptied their six shot revolvers at the individual striking him and one of the officers' bullets hit the suspect's gun jamming the spring in the clip and allowing only the discharge of 14 rounds. He said the officers handled this in a very professional manner but he wanted to bring to the attention of the Commission of some of the assault weapons and the danger the officers are facing out in the streets of San Francisco. He said the second one was in the Bayview Hunters Point Area where two police officers responded to two women fighting in the street and in the process of trying to bring some order a number of people started to gather. One individual who is known to the officers started a separate altercation and when the officers went after this individual he then yelled for help and a crowd of 100 people came to his assistance. He said the officers called for emergency assistance and 15 police officers arrived. He said Captain Richard Holder, captain of Potrero District, also arrived and because he felt the situation was nearing a possible riot, ordered the officers back. He said thereafter, cooler heads prevailed and the situation calmed down as it could have escalated to well beyond what was expected. He said he wanted to compliment the officers in that particular case as well.

At the request of Commissioner Craig, Chief Jordan had Deputy Chief Reed give an overview of the Parolee Arrest Program. Deputy Chief Reed said the Department has been working with State Parole Agents on a Parolee at Large Program in which they are trying to capture absconders. He said as of this date the six officers and the two parole officers involved have arrested more that 232 subjects. He said he has been assured that less than 20 of these recaptured individuals have been released and that the rest have either been sent back to state prison or are in some form of adjudication hearing to determine as to whether they should be sent back.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of OCC, said he had five items to bring to the attention of the Commission. He said one is in regard to the Staff Attorney for the OCC and as of this date they have received 34 applications. He said they will be setting up interviews in the next two weeks and they will be in contact with the two Commissioners who have volunteered to assist the OCC in this selection process. He said the tentative starting date is 10/22/90. He said the second report is the status on the investigations of the ACT UP Demonstration of October 6, 1989. He had Ms. Ilene Luna give this report and she said there were a total of 37 complaints received by the OCC as a result and they were merged into 13 separate cases. She said 10 of those cases have been resolved with three more remaining in investigation. She said the investigation of two of the pending cases is due to be completed by September 28, 1990 and the remaining case regarding the Sweep Issue is awaiting the result of a research request made of the City Attorney. She said of the completed cases, one case went to an OCC Investigative Hearing and the letters are completed and are being mailed out. Three cases

were sustained on a number of allegations made against three different officers and six cases were completed without sustained findings. She said of the three sustained cases they were sent to the Department on the following dates, June 26, June 29 and July 11.

Mr. Langer in continuing his report said the July 1990 Statistical Report has been completed through the dilligent efforts of their Senior Investigator John Parker and Arlene Wong of their clerical staff. He said the fourth item he had relates to the three Pro Bono Attorneys. He said he contacted each one of them by letter thanking them for their support of the OCC and sent them a copy of the confidentiality waiver that the Commission approved two weeks ago and a copy of the announcements for the Trial Attorney in case they knew any one interested. He said he received a call from two of them thanking him. He said the last item is in regards to the 16 allegations that were sent to the police department that were returned to the OCC. He said Ms. Luna is in the process of developing the draft for the OCC Order and they will present that draft to the Commission next week. He said this specifically addressed the issue of how they investigate complaints that the OCC sees on sight or on view complaints at demonstrations. Commissioner Keker said he would move to have it calendared for Public Discussion on the Commission Calendar of September 12. The motion was seconded and unanimously approved.

RESOLUTION NO. 649-90

SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICER DAVID J. GOFF, PARK STATION

WHEREAS, the setting of date for the taking of evidence by a Commissioner in the disciplinary charges against Police Officer David J. Goff, Park Station, was called it having been continued from the meeting of August 22, 1990; and

WHEREAS, it is the decision of the Police Commission that the hearing of Officer David J. Goff will be heard before the entire Commission at the meeting of September 19, 1990; therefore be it

RESOLVED, that the hearing of Officer David J. Goff is set for Wednesday, September 19, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 647-90

HEARING OF POLICE OFFICER ERIC A. TERRERO, MISSION STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Eric A. Terrero, Mission Station, was called it having been set for this date;

RESOLVED, that Police Commissioner John W. Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Eric A. Terrero; and be it further

RESOLVED, that the date for the taking of evidence in the disciplinary charges filed against Officer Terrero is set for Tuesday, September 18, 1990, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 648-90

NOTIFICATION AND ASSIGNMENT OF A POLICE COMMISSIONER IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JILLYAN ALEXA RAYMER, BUREAU OF INSPECTORS - OPERATIONS CENTER

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Jillyan Alexa Raymer, Bureau of Inspectors - Operations Center, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to answer questions asked by Management Control Division truthfully or without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that Police Commissioner Edward J. Campana is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Jillyan Alexa Raymer, and be it further

RESOLVED, that pursuant to San Francisco Police Commission rules governing trials of disciplinary cases, attention is directed to Section 3A1, and Officer Raymer, therefore, upon immediately notifying her attorney or representative, shall comply with said Section.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

OCC DIRECTOR'S PRESENTATION OF OCC ORGANIZATIONAL STRATEGY TO THE POLICE COMMISSION

Continued to September 12, 1990.

RESOLUTION NO. 640-90

HEARING ON COMPLAINT FOR REVOCATION OF TAXI PERMIT #769 ISSUED TO ALI FARDBASTANI

WHEREAS, the request of the Chief of Police for revocation of Taxicab Permit #769 issued to Ali Fardbastani was called, it having been set for this date; and

subject and Mr. Philip Ward, attorney for the Patrol Special Officers, spoke of the duties of the Patrol Specials.

After the discussion, the Commission adopted the following resolution:

RESOLUTION NO. 642-90

PUBLIC HEARING ON PATROL SPECIAL OFFICERS AND RESERVE POLICE OFFICERS

WHEREAS, the public hearing on Patrol Special Officers and Reserve Police Officers was called, it having been set for this date; and

WHEREAS, it was decided that because Commissioners Giraudo and Lee would be meeting with the Deputy City Attorney pursuant to a Settlement Conference recently held with the Patrol Special Officers and their attorney to review the issues and thereafter meet once again with all parties concerned, the Commission, at that time, would be able to have a better public discussion at a later date with respect to Patrol Specials and the range of their duties and the expectations they have of the City and the City has of them; and

WHEREAS, it is requested that Lieutenant Larry Ryan conduct an investigation and report back to the Commission with respect to the Police Reserves stating what functions they are performing today that can be expanded or whether in fact it makes sense to expand those functions; what cost, if any, such expansion would be; what the purposed savings would be in terms of freeing Q2 Police Officers from duties that do not require a police officer; and also an overview of the current Cadet Program; what is its functions and what an expansion of the Cadet Program means in terms of the numbers of people and the services they are performing; therefore be it

RESOLVED, that the public hearing on Reserve Police Officers and the Cadet Program is continued for further discussion, determination and report from Lieutenant Larry Ryan, Police Department Personnel Division, on Wednesday, September 19, 1990, at 5:30 p.m., Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

PUBLIC DISCUSSION ON POLICE COMMISSION RULES GOVERNING TRIALS OF DISCIPLINARY CASES

Commissioner Keker made a motion to amend and extend these rules and then gave his reasons for doing so. He gave an overview of the experience the Commission has had since March when this system was first instituted. He said a couple of things have happened and that is, progress has been made in cleaning up the Commission's backlog of cases and keeping the Commission from being a bottleneck in the disciplinary process. He said it has also allowed the Commission when they are all together to address, at Commission Meetings, substantive policy matters in a much more positive way than when under the pressure of trying to do one disciplinary case after another. He said he wanted the rules amended to allow the President of the Commission to have more discretion in the assignment of

disciplinary cases because, as he explained in detailed, one case should not be looked upon as being more serious or important than another.

Mr. John Crew, ACLU, in speaking on this subject said he felt it was premature to make any permanent decision on this issue as the Commission has had only three hearings, only two of which has been completed. He said the first thing to do would be to have another review in another six months when other Commissioners have actually held hearings.

After further discussion between the Commissioners the following resolutions were adopted:

RESOLUTION NO. 643-90

PUBLIC DISCUSSION ON POLICE COMMISSION RULES GOVERNING TRIALS OF DISCIPLINARY CASES

WHEREAS, the public discussion on Police Commission Rules governing trials of disciplinary cases was called, it having been set for this date; and

WHEREAS, on motion by Commissioner Keker and seconded by Commissioner Lee, that the current Rules be appropriately amended; therefore be it

RESOLVED, that it is the decision of the Commission that the present rules governing trials of disciplinary cases are hereby amended as per attached;

AYES: Commissioners Campana, Giraudo, Keker, Lee
NAY: Commissioner Craig

and be it further;

RESOLUTION NO. 644-90

RESOLVED, that the present rules as amended will remain in effect and full force for another six months and then return for further consideration on the calendar of February 27, 1991.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON POLICE INSPECTOR FRANK McCOY, HOMICIDE SECTION

The decision on the appeal of the Chief's suspension imposed on Police Inspector Frank McCoy, Homicide Section, was called, it having been continued from the meeting of August 22, 1990.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Inspector Frank McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law. Mr. James Lassart made a motion to dismiss the charges made against Inspector Frank McCoy.

Mr. Jerry Akins made a closing statement for the Prosecution.

Mr. James Lassart made a closing statement for the Defense.

All Commissioners acknowledged reading the transcripts of proceedings on the evidentiary hearings and listening to tapes of evidence presented.

Pursuant to the rules of the Commission, Commissioner Keker ruled on the motions made by the accused officer. The motion to dismiss the charges on res judicata and collateral estoppel grounds was denied; the motion to dismiss on First Amendment grounds was denied as to OCC complainant Bill Paul, and granted as to journalist Jay Newquist.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 645-90

DECISION ON THE APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON INSPECTOR FRANK McCOY

WHEREAS, on June 1, 1989, the Chief's Disciplinary Hearing was concluded to determine whether Inspector Frank McCoy should be suspended from his duties as an inspector for engaging in conduct which constitutes violations of Rule I-B of General Order L-1 and Rule A-9 of General Order D-1 of the San Francisco Police Department; and

WHEREAS, after considering the evidence, argument and discussion at the hearing and further written arguments submitted by Inspector McCoy's counsel, it was found that the accused has engaged in the following conduct, which constitutes violation of Rule A-9 of General Order D-1 of the San Francisco Police Department; and

WHEREAS, on May 17, 1988, Inspector McCoy made a phone call to OCC complainant Bill Paul and a separate call to Jay Newquist concerning a complaint being investigated by the OCC. Although not intimidating in tone of voice, the questions asked by the accused to Paul and Newquist concerned a complaint made to OCC about the conduct of a homicide investigation. The focus of both calls was on the complaint and not for the purpose of gathering evidence for the homicide case; and

WHEREAS, by contacting Mr. Paul and Mr. Newquist and questioning them about an OCC complaint, Inspector McCoy undermined the public confidence in the independent process of citizen complaint investigations, and

WHEREAS, the accused's conduct in this matter violates Rule A-9 of General D-1, which states:

> "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, pursuant to Section 8.343 of the Charter of the City and County of San Francisco, the Chief of Police suspended Inspector McCoy from his duties as an inspector for two (2) days; and

WHEREAS, the Commission unanimously finds that the findings of the Chief supporting the two-day suspension imposed on Inspector Frank McCoy are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission sustains the two-day suspension imposed on Inspector Frank McCoy by the Chief of Police. Said suspension shall commence on Wednesday, November 28, 1990 at 0001 hours and end Thursday, November 29, 1990 at 2400 hours.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Recess taken during the hearing of Inspector McCoy:

9:24 p.m. to 9:45 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.

STATUS REPORT ON POLICE OFFICER EMILY R. FIELDS, WARRANT BUREAU

The date for the status report on the disciplinary charges filed against Police Officer Emily R. Fields, Warrant Bureau, was called it having been continued from the meeting of August 22, 1990.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Emily R. Fields appeared in person and was represented by Ms. Colette Jolicoeur, Attorney at Law.

Mr. Jerry Akins made an opening statement for the Prosecution.

Ms. Colette Jolicoeur made an opening statement for the Defense.

On June 20, 1990, Officer Fields was given sixty (60) days to lose 15 pounds. After listening to statements of the parties and receiving a report from Sergeant David C. Spencer, Medical Liaison Unit, it was noted that Officer Field's weight on August 24, 1990 at 10:00 hours was 253 pounds.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 646-90

DECISION - CHARGES FILED AGAINST OFFICER EMILY R. FIELDS, WARRANT BUREAU

WHEREAS, on June 14, 1989, in Police Commission Resolution No. 610-89, Officer Fields was ordered to lose four pounds per month until she is in compliance with standards set forth in General Order B-1, and 10 days suspension was imposed and 90 days suspension was held in abeyance for 18 months, and every three months a status report on her progress would be calendared, and

WHEREAS, on June 20, 1990, it was determined that Officer Fields was not in compliance and the Police Commission ordered Officer Fields be given sixty days to lose 15 pounds, and

WHEREAS, on this date, August 29, 1990, it is the findings of the Police Commission that Officer Fields has gone from 244 pounds since June 20, 1990 to 253 pounds, a weight gain of 9 pounds, thereby violating the order on June 20, 1990 to lose the mandated 15 pounds; therefore be it

RESOLVED, that for said violation Officer Emily R. Fields shall be suspended for twenty (20) days, five days to be held in abeyance until October 3, 1990, when the next status report is due; and be it further

RESOLVED, that the fifteen (15) calendar day suspension shall commence on Friday, August 31, 1990 at 0001 hours and end Friday, September 14, 1990 at 2400 hours, and if she is not in compliance on October 3, 1990 with the terms and conditions of Police Commission Resolution No. 610-89, the five days held in abeyance shall be imposed.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

The meeting, thereafter, was adjourned at 10:00 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5853M

MINUTES

SEPTEMBER 5, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco held their Regular Meeting in Ella Hill Hutch Community Center, 1050 McAllister Street on Wednesday, September 5, 1990 at 5:30 p.m..

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker due to illness

APPROVAL OF MINUTES OF MEETING OF JULY 25, 1990

Approval of Minutes of Meeting of July 25, 1990, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Giraudo explained to the audience that the Police Commission is an appointed body of people appointed by the Mayor of San Francisco and has been holding one meeting a month in the nine police districts on a rotating basis and will continue to do so to hear whatever concerns, or issues problems. He said it is the Commission's function to be a civilian oversight or a Board of Directors of the Police Department and it is their job to insure that the policies that are set by the Mayor in conjunction with the Chief of Police are followed throughout the Police Department. He said the Police Commission also has a disciplinary function in that it sits as a trier of fact for police officers who are being disciplined by the department. He said the Commissioners are not sworn officers but they are in place to insure that the safety and security of the citizens of the city of San Francisco is provided for by the SFPD.

(a) MOTION ON CALENDARING NEW MATTERS

Nothing to be calendared for future meetings at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Frank Reed sitting in for Chief of Police Frank Jordan said there would be no Chief's report tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Michael Langer said he had several items and he presented a draft of the OCC General Order concerning investigations of complaints arising as a result of the observations of OCC Personnel at political demonstrations. He said he would ask that it be calendared for the Commission's meeting next week. He said his second item is a reminder that he would be going over the Organizational Strategies for the OCC for 90/91 next week and he would be sending to Lieutenant Frazier tomorrow copies of the document with the notations on the inside margins indicating what has and what has not been done. He said the last item is the Police Commission has asked him that when attending these Community meetings to describe the function of the OCC. He then said dthe OCC's duties and

functions are to investigate citizens complaints against sworn Police Officers of the City and County of SF and those complaints are in two broad areas of Action or Inaction. He sain in addition they publish monthly statistical reports based upon the number allegations to hold investigative hearings with Investigative Hearing Officers if for some reason a particular investigative decision needs to be challenged.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL BY THE POLICE COMMISSION AND THE BOARD OF SUPERVISORS FOR A HOLD HARMLESS AGREEMENT WITH THE U.S. AIR FORCE FOR STORAGE OF TWO CESSNA 310's AT TRAVIS AIR FORCE BASE

Deputy Chief Reed in addressing this item said it developed from an arrest brought in from Narcotics through the Department's Legal Office in regards to assets seizure policies and requesting a Hold Harmless Agreement be drawn. He said these two aircrafts were seized in separate instances by the Narcotics Division. He said when the cases are adjudicated and the department is given ownership then the department can auction them.

Commissioner Lee then made a motion for approval, Commissioner Craig seconded and it was unanimously approved.

RESOLUTION NO. 650-90

REQUEST FOR APPROVAL OF A HOLD HARMLESS AGREEMENT WITH THE U.S. AIR FORCE FOR STORAGE OF TWO CESSNA 310's AT TRAVIS AIR FORCE BASE

WHEREAS, the San Francisco Police Department is in need of a storage area for two Cessna 310's, and

WHEREAS, the U.S. Air Force has offered to store the planes at no cost to the City of San Francisco at Travis Air Force Base if the Police Department executes a hold harmless agreement, and

WHEREAS, the Board of Supervisors must grant permission for the Police Department to execute such an agreement; now, therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors of the City and County of San Francisco to adopt the attached Resolution to authorize the Police Department to execute a hold harmless agreement with the U.S. Air Force for the use of Travis Air Force Base to store two Cessna 310's.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

RESOLUTION NO. 651-90

SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST POLICE OFFICER JILYAN ALEXA RAYMER, BUREAU OF INSPECTORS - OPERATIONS CENTER

WHEREAS, the setting of date for the taking of evidence by a Commissioner in the disciplinary charges against Police Officer Jilyan Alexa Raymer, Bureau of Inspectors - Operations Center, was called it having been set for this date; and

WHEREAS, Officer Raymer requested that the setting of date to conduct taking of evidence be continued for one week so that she may obtain an attorney; therefore be it

RESOLVED, that the setting of date for taking of evidence by Commissioner Campana in the charges against Officer Jilyan Alexa Raymer is continued to Wednesday, September 12, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

RESOLUTION NO. 652-90

NOTIFICATION AND FILING OF DISCIPLINARY CHARGES AGAINST POLICE OFFICER RONALD G. RAY, SOUTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Ronald G. Ray, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department and which reflects discredit upon the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Having a loaded firearm in his possession when off-duty while under the influence of an alcoholic beverage (a violation of Rule III(D) of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off-duty (a violation of Rule A-3 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the notification and assignment of a Police Commissioner to conduct taking of evidence in the disciplinary charges filed against Officer Ronald G. Ray is continued to Wednesday, September 12, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

CAPTAIN DENNIS MARTEL, COMMANDING OFFICER, NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN STATION

Captain Dennis Martel addressed the Commission on the police activies in his district and also gave the Commissioners a written report for them to follow during his verbal presentation of those activities.

After listening to the Captain's report, Commissioner Giraudo said the Commission now welcomes any person present this evening to come forth and bring up any topic or any issue they wish and to identify themselves before they speak.

PUBLIC COMMENTS

Ms. Jenny Conyer said she thinks Captain Martel does a pretty thorough job of what he is doing in the district but he does not include the Fillmore Area where they have picked up all of the drunks that were chased from South of Market. She said what they want is for them to stop chasing them from that area to the Fillmore Area. She said the people are well protected in Pacific Heights but they are not well protected when they get down by the Kabuki Theatre.

Reverend Martin Grizell, Secretary to the SF Religious Council, he presented the Commission with a fact sheet of what the Religious Council is all about. He said they have three concerns. One is visible uniform patrol on good weather days at specific times on the 1st and 15th of the month to be provided. They want selective enforcement for speeders who utilized the area they are in as a speedway along with their vehicle parking lot to do what is called wheelies with four wheel jeep type vehicles. He also mentioned that darkness would be arriving soon and felt that adequate lighting would also solve some of the crime problems in the neighborhood.

Ms. Etta Rollins, member of the Advisory Council of the SF Commission on Aging, complained about parking on McAllister and Central. At this location she said so many cars are parked here that the people who want to take a bus must get into the street to do so.

Ms. Paul Multinchulton, Director of one of the centers for children at the Ella Hill Hutch Community Center. She said she just wanted to put in another request for uniform foot patrol as they have this beautiful playground for the children and they have had to go out and bring all of the children inside because of gunshots and cars going 50 miles an hour just in this small circle right outside the door.

Mr. Lefty Gordon, Director of the Ella Hill Hutch Center, he said he appreciated what Captain Martel has said but they just don't want foot patrol around the Ella Hill Hutch Center they want foot patrol throughout the Western Addition Community. He said if you go to the Mission, Hunterspoint, or Northbeach the one thing they all ask for is foot patrol. He said is incumbent upon the Police Commissioners to deal with the need and request of the people. He said he would issue a challenge to the Commission, the Police Department, and the people of the Western Addition to see if they can get together and develop a pilot program and reduce the crime in the Western Addition by 25% in the next 12 months.

Other speakers were Ms. Louise Harvey - Concerned Citizen Housing Committee, Ms. Mary Jackson and Mr. Ray Mendoza who all echoed the same sentiments as previous speakers.

After listening to the speakers, Commissioner Craig stated that she had lived in the area until approximately three (3) years ago and she knows first hand how it is to live in a district that is a high crime area where there is drug dealing on the street as soon as you come out of the house. She knows first hand the type of frustrations that people are talking about experiencing tonight. She said they hear on the part of the Commission and on the part of the Police Administrators as well to try to see that police services are distributed evenly and that you are not being held hostages to crime.

Commissioner Campana stated that this neighborhood has had these problems as far as he could remember as he had grew up in the area. He said the only thing that they could do then and the only thing that they could do now is work together and see if they can win the battle against the kinds of people that make life difficult for everyone. He said even though the Commission can not bring forth all of the resources that it would like to but it would certainly be willing to work towards that goal. He said he was pleased to see the numbers that turned out for the meeting and a lot of their comments had positive solutions and not just complaints about the system. He said he would like to insure that if they come together six months later they will not have to say the same types of problems stated tonight as he thinks they will see some changes as the Captain has new programs and projects in place to deal with those problems.

Commissioner Giraudo thanked everyone present for having the Commission here. He said it is very important for the Commissioners to hear from them about what their concerns are. He said the concerns that they have expressed here have been expressed to the Commission many times by the Patrol Officers that service this district and other districts in San Francisco. He said he would promise them this evening when he leaves this meeting and goes to another meeting where he will see the Mayor, that he will bring to him their main concern which is more foot patrol. He said the Commission just met last week at the request of Commissioner Lee in a meeting to look at the utilization of Police Reserves and Patrol Special Officers to try and supplement and expand the availability of those people to enable the regular police officers to perform duties that they are best fit for rather than some of the things that are requested of them or demanded of them at the present time. He said so there is a concern, there is an energy and an effort and he could only tell them this evening that there are no promises but the Commission will be getting back to them as those plans and as those energies and efforts come into fruition. He said whether they are successful or whether they are a failure they will know. He then thanked them again and said the Commission will be back.

The meeting was then adjourned at 7:15 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5859M

MINUTES

SEPTEMBER 12, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 12, 1990 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF AUGUST 1, 1990

Approval of Minutes of Meeting of August 1, 1990, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

No Police Commission Report tonight.

(a) MOTION ON CALENDARING NEW MATTERS

At this time Commissioner Craig and Collette Jolicoeur, attorney for Pamela Wermes, set a date for the Taking of Evidence in the Wermes matter for Tuesday, October 9, 1990 at 9:00 AM.

DOCUMENTS DEPT.
NOV 1 5 19

RESOLUTION NO. 656-90

ASSIGNMENT OF A POLICE COMMISSIONER IN THE DISCIPLINARY CHARGES AGAINST POLICE OFFICER RONALD G. RAY, SOUTHERN STATION

WHEREAS, notification of charges of violating the Rules and Procedures of the San Francisco Police Department by Police Officer Ronald G. Ray, Southern Station, was made on September 5, 1990, and continued to this date for assignment of a Police Commissioner to conduct taking of evidence; therefore be it

RESOLVED, that Police Commissioner Pius Lee is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ronald G. Ray; and be it further

RESOLVED, that pursuant to San Francisco Police Commission rules governing trials of disciplinary cases, attention is directed to Section 3A1, and Officer Ray, therefore, upon immediately notifying his attorney or representative, shall comply with said Section, and be it further

RESOLVED, that the date for the taking of evidence by Commissioner Lee is set for Thursday, October 11, 1990 at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 657-90

SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST POLICE OFFICER JILYAN ALEXA RAYMER, BUREAU OF INSPECTORS - OPERATIONS CENTER

WHEREAS, the setting of date for the taking of evidence by a Commissioner in the disciplinary

charges against Police Officer Jilyan Alexa Raymer, Bureau of Inspectors - Operations Center, was called it having been continued from the meeting of September 5, 1990; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Campana in the charges against Officer Jilyan Alexa Raymer is set for Thursday, November 1, 1990, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 653-90

NOTIFICATION AND ASSIGNMENT OF A POLICE COMMISSIONER IN THE DISCIPLINARY CHARGES AGAINST POLICE SERGEANT DONALD I. HENSIC, WARRANT BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Sergeant Donald I. Hensic, Warrant Bureau, as follows:

SPECIFICATION NO. 1

Engaging in harassing unwelcomed intimate physical contact on the person of a female police officer (a violation of Rule I(A) & VI(B) of General Order D-17 and Rule A-9 of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 2

Engaging in harassing unwelcomed intimate physical contact on the person of a female police officer (a violation of Rule I(A) & VI(B) of General Order D-17 and Rule A-9 of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 3

Engaging in inappropriate comments and/or conduct which has the purpose or effect of interfering with work performance and/or creates an intimidating, hostile, embarrassing or offensive work environment (a violation of Rule VI(B) & VIII(A) & (B) of General Order D-17 and Rule A-9 of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 4

Engaging in disparate, unequal and/or different treatment of female officers (a violation of Rules VI, VII & VIII of General Order D-17 of the San Francisco Police Department and Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that Police Commissioner Louis J. Giraudo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Donald I. Hensic; and be it further

RESOLVED, that pursuant to San Francisco Police Commission rules governing trials of disciplinary cases, attention is directed to Section 3A1, and Sergeant Hensic, therefore, upon immediately notifying his attorney or representative, shall comply with said Section, and be it further

RESOLVED, that the setting of a date for taking of evidence by Commissioner Giraudo is scheduled for Wednesday, September 19, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

(b) PUBLIC COMMENTS

Mr. Gerard Koskovich made comments about the October 6, 1989, ACT-UP Demonstration in the Castro and urged the Commission to adopt policies that are listed on tonight's calendar resulting therefrom. He also urged swift disciplinary action by the Commission for those officers found culpable for their actions during that particular night.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Staff Willis Casey announced that Chief of Police Frank Jordan had trouble with his flight leaving El Paso today and was not able to make it back to the city. He said so there would be no report from the Chief but with the Commission's permission he would have Captain Gregory Winters report on two significant police actions that took place during the past week involving several recent robberies.

Captain Winters then reported on the robbery of a small Chinese Store at Pacific and Green where the suspect after committing the robbery was chased by the proprietor into the street. Police officers, who had been staking out the area because of a series of these robberies occurring in that location, observed the incident, intercepted the suspect who was armed and attempted to shoot the officers but the suspect was shot by one of the officers before he could fire his weapon. He said the second report involves experiencing over 20 robberies of fast food restaurants. He said at this time the Department has one suspect in custody and are working on the identification of several others. He said last but not least a burglary suspect was taken into custody today who appears to be responsible for over 30 residential burglaries in Mission District.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said several weeks ago he wrote a letter to the Bar Association and their foundation requesting assistance for the OCC Community Outreach Program. He said this week he received a letter along with a check for 1,000

dollars from the President of the Bar Association. He said he would like to acknowledge it and thank the Bar Association for their support and he would also ask that the check be placed on the Commission agenda next week for permission for the OCC to accept.

PUBLIC DISCUSSION REGARDING SAN FRANCISCO POLICE DEPARTMENT'S GENERAL ORDER NO. D-5, "GROOMING STANDARDS", AS IT RELATES TO THE WEARING OF BEARDS

Commissioner Craig said the title of this item could very well be more appropriately titled "Equal Opportunity" for what it represents in terms of employment and assignment of many black males for whom shaving is not a question of grooming or esthetics but a health issue. She said this matter comes before the Commission because of a Civil Rights Ruling in Maryland where a Hearing Officer ruled that a ban on beards as a condition of employment is racially discriminatory. She then asked Deputy Chief Lawrence Gurnett to present what the SFPD's policy is as it relates to the wearing of beards.

Deputy Chief Gurnett said the policy is, as it relates to sworn and civilian employees, if there is a medical concern that the officer identified is brought to the Administration's attention via, usually, his physician, it is then incumbent upon the Department's physician to examine the individual and must concur with the medical diagnosis. He said then the officer or individual would be assigned or retained in the current assignment unless there is some medical indication that he should not be. He said this policy also is not a stumbling block to recruitment as he sees it.

Deputy City Attorney Mara Rosales, after reviewing this matter on a legal basis said that there is no impact on the Department itself. The Policy on its face and the way it is written does not have any discriminatory impact.

Commissioner Craig then asked if Lieutenant Sam Craig from the EEO Unit had any comment on this matter. Lieutenant Craig said at the present time his unit (EEOC) had not experienced any problems with this issue and he did not anticipate having any as indicated from the Officers for Justice and black male officers that he has spoken with in recent days.

After further discussion it was decided to ask Deputy City Attorney Mara Rosales to seek advice from some of the labor lawyers in the City Attorney's Office to see if the Department would be required to Meet and Confer with the SFPOA if any changes are made to General Order D-5 and schedule for next week to revisit this issue for a possible decision at that time to include or not include Chief's Policy in the General Order.

OCC DIRECTOR'S PRESENTATION OF OCC ORGANIZATIONAL STRATEGY TO THE POLICE COMMISSION

Mr. Langer gave a brief overview of the contents of the document of the OCC Organizational Strategy to the Commission and said he would emphasize that it is not chilled in stone and it is subject to a

couple of reviews as they will be coming back to the Commission telling the Commission they have completed this or they would like to change this, etcetera. He said one of the points he wanted to emphasize on this entire process is the fact that there are 13 key areas that are subject to revision and some revisions are being considered at this time as well as additional things that they did not think of when it was originally prepared. He said to keep the Commission up to date on things, there will be tie lines of what progress and what changes are being made in the OCC quarterly reports so that the Commission will know exactly where the OCC is in the respect. He said they will be bringing areas of this OCC Organizational Strategy reveal a better quality of investigated complaints and more training is available for OCC investigators.

Commissioner Keker then said that the Commission would forward to Mr. Langer coming back with this Organizational Strategy as part of his Quarterly Reports as a yardstick of which they can all measure of how the year is going. He said, so far it is going very well and he commended Mr. Langer and his staff.

PUBLIC HEARING ON OCC POLICY RECOMMENDATIONS

(a) PROPER USE OF THE STUN GUN AT DEMONSTRATIONS

Recommendations: Written guidelines for its use to be incorporated into Deparment Manuals.

Speakers: Director Langer, Assistant Chief Casey, Deputy Chief Lau, OCC Investigator Ms. Barbara Attard.

Commission and Department agree to recommendations place in F.O.B. General Orders.

(b) HELMET IDENTIFICATION NUMBERS

Recommendations: OCC recommended 2" I.D. nos. on sides of helmets.

Speakers: Lieutenant Pisciotto - Department compromise of 1" and other exceptions, Mr. G. Koskovich, citizen - disagreed, Chief Casey gave description of Solo Officer helmets, why it was not flexible or feasible for compliance to the recommendation.

The Commission noted that the OCC and Department had jointly agreed and on motion by Commissioner Lee, seconded by Commissioner Craig, that solo motorcycle officers will have 1" I.D. nos. on both sides of the SFPD designation was unanimously approved.

RESOLUTION NO. 654-90

OCC POLICY RECOMMENDATION - HELMET IDENTIFICATION NUMBERS

RESOLVED, that the Police Commission hereby approves the OCC and the Police Department's joint agreement to amend General Order B-4 on Helmet

Identification to include 1" numbers affixed to solo motorcycle officers' helmets.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

(c) LANDLORD/TENANT DISPUTES TRAINING POLICY

Recommendations: That the Department immediately update its Training Bulletin 84-5 and produce a General Order in this regard.

Speaker: Lieutenant Pisciotto - agreed on behalf of the Department but felt that it should be in the form of a Training Bulletin instead of a General Order because of constant changes, particularly, in the law in this regard and since training bulletin has not been updated since 1984.

The Commission decided that no Commission action was necessary but indicated they would be interested in seeing a copy of the new training bulletin when ready.

(d) TICKET SCALPING ENFORCEMENT POLICY

Mr. Langer said that it is agreed upon that the Event Commander or the Officer in Charge at the SF Giants games issue something in writing, i.e. a list of all of the various Park Codes that are enforced with the words to include "Seller Only", on that particular Prohibition Section 3.00 and that the buyers in no way will be arrested as a result of this. He said he has been assured that Lieutenant Novello will do that and again the OCC and Department is in agreement on this.

Speaker: Lt. Pisciotto said in addition, Lt. Novello will institute roll coll training for those officers coming from outside districts which will begin immediately.

Commissioner Keker said he would like to place on calendar whether or not the Police Commission should recommend to the Park Commission that they deem it not a crime for person(s) who has a ticket in their possession for the event taking place, and wants to get rid of their ticket at the Ball Park for exactly the price they paid for it or even less that they may do so without having a problem. It was then decided that upon notification to the Park Commission it would be calendared for Wednesday, October 24, 1990, for public discussion.

PUBLIC HEARING ON PROPOSED OCC GENERAL ORDER ON "PROCEDURES FOR THE INVESTIGATION OF COMPLAINTS MADE AS A RESULT OF OBSERVATIONS BY OCC PERSONNEL

Director Michael Langer had his Chief Investigator Eileen Luna open discussions and give an overview of the proposed order and recent amendments.

Speakers: Chief Casey, Ms. Mary Vail - Bar Association, Ms. Carol Seliger, attorney, Mr. Frank Martin del Campo - Local 790, Ms. Barbara Attard, OCC Investigator and Deputy City Attorney Mara Rosales. After further discussion, Commissioner

Campana went over the order pointing out areas that could present substantial problems if implemented in its present format. He said it appears that there could be problems in objectivity and he knows that Mr. Langer and staff has tried to provide safeguards that address this. He said to conclude that because of the problems he is having with the order, and because he feels it is really important, his recommendation would be that the Commission consider everything that has been said tonight and take this order back and review it again with the input of anybody other than himself who would like to give Mr. Langer some input. He said his perceptions are about how he (Commissioner Campana) thinks it could be better safeguarded and the policy or General Order could be more definitive and he would recommend that it go back for further review and revision and come back to the Commission in draft form once again. All Commissioners agreed that this would be the path to follow and continued that matter to a date to be determined when the order is ready to be discussed once again.

RESOLUTION NO. 655-90

APPROVAL TO RATIFY ACTIONS TAKEN BY THE DEPARTMENT WHICH TEMPORARILY TRANSFERRED FUNDS FROM PERMANENT SALARY ACCOUNT TO EQUIPMENT ACCOUNT WHICH ALLOWED LIMITED TIME SAVINGS ON THE PURCHASE OF MARKED POLICE VEHICLES

WHEREAS, the Police Department was authorized 61 replacement marked police vehicles in the fiscal year 1990-91 budget, and

WHEREAS, funds were provided for the lease-purchase of the 61 vehicles, and

WHEREAS, on August 23rd the City was offered a one-time savings of approximately $3,000 per vehicle, if a purchase order for the 61 vehicles was forwarded to the vendor by August 31st, and

WHEREAS, there was not enough time for the City Purchaser and City Controller to arrange for lease purchase financing, and

WHEREAS, the Mayor's Office and the Controller agreed to temporarily transfer funds from the permanent salary appropriation to the equipment appropriation in order that a purchase order could be prepared; be it therefore

RESOLVED, that the Police Commission hereby ratifies the actions initiated by the Police Department which temporarily transfers funds from the permanent salary appropriation to the equipment appropriation in order that a purchase order for 61 marked vehicles could be prepared.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

HEARING OF ASSISTANT INSPECTOR WILLIAM S. TAYLOR, PERSONNEL DIVISION

The hearing of the disciplinary charges filed against Police Assistant Inspector William S. Taylor, Personnel Division, was called it having been continued from the meeting of August 15, 1990.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Assistant Inspector William S. Taylor appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

The following exhibit was entered into evidence by the Prosecution:

Exhibit #14 Transcript of OCC Interview of William S. Taylor, March 18, 1987

The hearing was then continued to Wednesday, September 19, 1990 at 4:45 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

The meeting, thereafter, was adjourned at 8:40 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5876M

MINUTES

SEPTEMBER 19, 1990 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, September 19, 1990 at 4:30 p.m. in Closed Session.

1. Attorney-Client Conference
   Eddie Henderson vs. City and County of S.F.

SEPTEMBER 19, 1990 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 19, 1990 at 4:45 p.m. in Closed Session.

HEARING OF ASSISTANT INSPECTOR WILLIAM S. TAYLOR, PERSONNEL DIVISION

The hearing of the disciplinary charges filed against Police Assistant Inspector William S. Taylor, Personnel Division, was called it having been continued from the meeting of September 12, 1990. Assistant Inspector William S. Taylor was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

DOCUMENTS DEPT.
NOV 15 19
SAN FRANCISCO PUBLIC LIBRARY

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Assistant Inspector William S. Taylor appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

A motion was made by Ms. Seliger to dismiss the charges on due process and fairness.

The motion was denied unanimously by the Commission.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1 is not sustained and Specification No. 2 is sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 2

Fifteen (15) days suspension

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 658-90

DECISION - HEARING OF ASSISTANT INSPECTOR WILLIAM S. TAYLOR, PERSONNEL DIVISION

WHEREAS, on February 22, 1990, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer William S. Taylor, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, William S. Taylor, Star No. 686 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department currently assigned to the Administration Bureau - Personnel Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about October 12, 1986, between approximately 1130 hours and 1630 hours, a demonstration occurred at the Spanish Cultural Center located at Alemany Boulevard and Farragut Street. The accused was assigned to the Special Operations Bureau - Tactical Division and detailed to work the demonstration;

(4) On or about October 12, 1986, at approximately 1500 hours, a citizen who was participating in the demonstration observed a line of police moving up Farragut Street. The citizen then began running up Farragut Street. While the citizen was running up Farragut Street, the accused used his baton and struck this citizen on the back of his head;

(5) The citizen did not resist attack or threaten the accused prior to being struck in the head with a baton;

(6) The accused, by striking a citizen who was participating in a demonstration, in the head with a baton without cause, has used unnecessary force which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(7) The allegations contained in paragraphs (1) through (6) of Specification No. 1 are incorporated by reference as if fully set forth herein;

(8) On or about October 12, 1986, at approximately 1500 hours, on Farragut Street, a citizen who was participating in the demonstration, observed a police officer strike a citizen in the head with a baton. The citizen followed this police officer up Farragut and observed him strike another citizen. At this time the citizen observed the police officer's star number, which was the star number of the accused. The citizen yelled the accused's star number loudly and the accused reversed his direction and advanced on this citizen, who began to walk away;

(9) On or about October 12, 1986, at approximately 1500 hours, the accused approached the citizen who had been yelling his star number, and struck the citizen in the middle of his rib cage with his baton;

(10) The citizen who had yelled the accused's star number did not resist, attack or threaten the accused prior to being struck in the midsection with a baton;

(11) The accused, by striking a citizen in the midsection with a baton without cause, has used unnecessary force, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San

Francisco on Wednesday, May 3, 1989; Wednesday, April 4, 1990; Wednesday, May 16, 1990; Wednesday, August 8, 1990; Wednesday, August 15, 1990; Wednesday, September 12, 1990 and Wednesday, September 19, 1990, and on September 19, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Assistant Inspector William S. Taylor are not sustained; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 2 as preferred by the Chief of Police against Assistant Inspector William S. Taylor are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 2

Eleven (11) days suspension

and be it further

RESOLVED, that the eleven (11) calendar days suspension shall commence on Thursday, September 20, 1990 at 0001 hours and end Sunday, September 30, 1990 at 2400 hours.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Recess taken during the hearing of Assistant Inspector Taylor:

6:08 p.m. to 6:39 p.m.
6:40 p.m. to 6:45 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, Official Reporter, William E. Henderscheid and Associates.)

SEPTEMBER 19, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 19, 1990 at 6:00 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF AUGUST 8, 1990

Approval of Minutes of Meeting of August 8, 1990, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 663-90

REQUEST OF THE OCC DIRECTOR FOR PERMISSION TO ACCEPT $1,000 DONATION FROM THE SAN FRANCISCO BAR ASSOCIATION TO DEVELOP AND PRINT AN OCC COMMUNITY OUTREACH BROCHURE

RESOLVED, that the Police Commission hereby approves the request of the OCC Director for permission to accept a $1,000 donation from the San Francisco Bar Association to develop and print an OCC Community Outreach brochure.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

EDDIE HENDERSON vs. CITY AND COUNTY OF SAN FRANCISCO

Continued one week.

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this afternoon with the City Attorney and no vote was taken.

(a) CALENDARING OF NEW MATTERS

Commissioner Craig made a motion for the Commission to calendar upon receipt of information from the Department regarding the Attorney General's new guidelines for the Policing of Anti-Abortion Demonstrations. She said she would like for the Department to report back as to what those guidelines are and if the SFPD is presently in compliance or whether or not it meets the guidelines that have just been issued or if any change in department policies is necessary.

Commissioner Keker announced that the taking of evidence in a disciplinary hearing conducted by himself in the matter of Officers Maxwell and Cassanego has been completed, a transcript has been prepared and the Commissioners have it and the earliest time for the full Commission to render a decision would be October 24, 1990, and he would so move for having it on that date. Commissioner Lee seconded and it was unanimously approved.

(b) PUBLIC COMMENTS

Speakers: Mr. John O'Brien called for the Commission to apprehend an alleged battery suspect who viciously assaulted his friend and made him leave town. Mr. Keith McHenry, Food not Bombs, wanted to know how much money the SFPD spent in arresting him and his group on September 5, 1988, at the corner of Haight and Stanyan. He said he was also attacked last Thursday, at 12:30 p.m. at 6th and Mission by the SFPD. He said on the elevetor to the jail he was beaten and further beaten after being placed in jail. He said he was unable to get the name of the officers who beat him.

Chief Jordan said the Department has done a preliminary evaluation on Food not Bombs in their arrest since September 1988 up to the present time and it shows that Mr. Keith McHenry has been

arrested 12 times in that period of time and the amount of money expended by the SFPD in undertaking these arrests has been in the amount of $8,886.00. He said that computes through Extra-Work Watches and Overtime Cost.

Mr. Rich Deutcher, representing the SF Green Party Organizing Committee, said the statement from the Green Party is shame on the Chief for having a Department for being so out of control. Shame on the Commission for being ineffective and shame on himself for getting madder because someone he knew had been beaten up than for anyone of a number of anonymous people who are beaten up every weekend in this city.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan reviewed for the Commission a tragic drive-by shooting that occurred this past week at Ocean View Playground where one victim, 22 years, was killed and two 18 and 19 year olds were wounded. He said he is happy to say that the following day, a suspect was taken into custody. He said the neighborhood did an excellent job in rallying around this tragedy and are working very close with the Police Department in this incident. He said the second item is to give the Commission an overview of President George Bush's visit to San Francisco. He said the President was at the Fairmont for a luncheon and there were approximately 400 demonstrators and another 300 on-lookers. He said the department issued 85 citations to those who were involved for obstruction and unlawful assembly and one arrest was made for Assault of Police Officer. He said the department used 200 police officers for this event.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer reported to the Commission on the OCC's quest to fill the Senior Staff Attorney's position. He said they reviewed approximately 50 resumes and he and his Senior Staff has selected 12 finalists. He said Lieutenant Frazier has copies of the resumes for all five Commissioners. He said they will be scheduling interviews from the 9th through the 12th of October and then they will select three finalists. He said they will then be in touch with the Commissioners as to who those people are before a final selection is made.

POLICE COMMISSION DISCUSSION AND CONSIDERATION FOR ADOPTING OR REJECTING THE PC&N HEARING OFFICER'S FINDINGS OF FACT FOR PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS

Commissioner Giraudo said to his fellow Commissioners if any of them wish to speak to the issue they would be invited to do so. He said there has been hearings, vis a vis, the Commission's Hearing Officer and recommendations from the Hearing Officer. They have heard from the Mayor's Task Force and this evening the Commission is supposed to render a decision as to whether or not in the Commission's opinion PC&N requires the issuance of

more taxicab permits in San Francisco. He said he has reviewed everything that was submitted to the Commission in writing, received a number of phone calls and letters with respect to the issue, and he believes with the present state of affairs in San Francisco, based upon his business experience, and based upon some of the activity he has observed personally and has seen through testimony that has come before this Commission with respect to the proliferation of the limousines at the airport, and the proliferation of the Airport Shuttle, couples with the dollars in trade not only in San Francisco but the general economic situation, he was not at this point and time in favor of voting out more permits.

Commissioner Keker said he would concur but he does appreciate the patience and dilligence the Hearing Officer took in doing his job. He said he did not agree with the Hearing Officer's conclusions but he did agree with the recommendation to the Chief from Lt. Pecinovsky about the lack of clear and convincing evidence that justifies more permits. He said he feels that is true on the record and it also meets with the experience he has had as a citizen of San Francisco using taxicabs and seeing the proliferation of the shuttles and the various people who do business at the airport. He said he did not think this was the year and he did not think the record that was established by the proponents for more taxicab permits is sufficient for the Commission to sustain. Commissioner Craig said this is being her first experience with the PC&N Hearings, she tried to take it quite seriously in reading all of the materials from the hearings and she thinks that everyone should be commended for doing an excellent job in gathering the evidence that has been put before the Commission. She said after reading and looking for factors to issue new permits she did not find conditions that warrant a decision to issue new permits at this time.

Commissioner Campana said this was also his first experience with the PC&N Hearings and found them to be extremely interesting. He said coming from a background of Social Science where empirical evidence is considered of some merit it was very difficult to discern what the evidence really was from the pro side and from the con side. He said he did not find any compelling evidence to suggest that the City needs more medallions.

Commissioner Keker said he would make a motion that the Commission does not find under the PC&N process that there is a need for additional taxicab permits. Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 659-90

POLICE COMMISSION DISCUSSION AND CONSIDERATION FOR ADOPTING OR REJECTING THE PC&N HEARING OFFICER'S FINDINGS OF FACT FOR PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS

WHEREAS, 785 individuals have applied to the Police Commission for a declaration by the Police Commission of public convenience and necessity for the issuance of more permits to operate taxicabs in the City and County of San Francisco, and;

WHEREAS, the Police Commission in considering public convenience and necessity for the years 1989-90 appointed a Hearing Officer to conduct public convenience and necessity hearings for the taking of oral and written evidentiary matters, and

WHEREAS, the Hearing Officer, Captain Gregory Winters, was appointed on Wednesday, May 23, 1990, as the official officer to take said oral and written documentary evidence, and

WHEREAS, this matter came up for hearing before the Hearing Officer on June 11, 1990 and continued through June 18, 1990, and

WHEREAS, various applicants appeared before the Hearing Officer on the above hearing dates and presented oral and documentary evidence in support of their applications; and

WHEREAS, many owners and operators of taxicabs testified in opposition to the granting of additional permits, and evidence in support of their position was presented to the Hearing Officer; and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity require the operation of the vehicle for which permit application is made; and

WHEREAS, on August 8, 1990, Captain Gregory Winters, the Hearing Officer, presented findings of fact to the Police Commission of which a public discussion was subsequently held on August 22, 1990, and

WHEREAS, the Police Department staff reviewed the Hearing Officer's findings of fact and submitted a report in opposition to these findings, which was also a subject of public discussion on August 22, 1990, and

WHEREAS, the Police Commission, after reviewing the Hearing Officer's findings of fact, the Police Department staff's report in opposition, and listening to public testimony subsequently scheduled the matter for a Police Commission decision to accept or reject the Hearing Officer's findings of fact on September 19, 1990, and

WHEREAS, said hearing on September 19 was heard and discussed thoroughly by and among the Police Commissioners who unanimously agreed that public convenience and necessity had not been established by clear and convincing evidence to require the operation of additional permits; therefore be it

RESOLVED, that it shall be the order of the Police Commission that public convenience and necessity has not at this time been established to require the operation of additional permits for which applications have been made.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

PUBLIC DISCUSSION REGARDING SAN FRANCISCO POLICE DEPARTMENT'S GENERAL ORDER NO. D-5, "GROOMING STANDARDS", AS IT RELATES TO THE WEARING OF BEARDS

Commissioner Craig said this matter had been continued from last week to allow Deputy City Attorney Mara Rosales to bring back an opinion from the City Attorney's Office as to whether or not an amendment to the General Order would require Meet and Confer. Ms. Rosales said that she had checked with a Labor Attorney in their office and they agree with the Department that pursuant to the MOU (Memorandum of Understanding) that the Commission has with SFPOA, putting in written form the practice or policy of the Chief, the medical exception to the General Order, reducing it to writing and adding it to the General Order would call for a meet and confer, opening up everything in that General Order and that is pursuant to the MOU and not as a matter of law. She said the Chief could continue to exercise his policy regardless of the written General Order.

Commissioner Craig then said given that understanding, she thinks that the practice and policy of the Chief, as has been described, seems to meet with what was required by the ruling from the Hearing Officer in the case that was cited from Maryland. She said the only problem there was there were no medical exceptions and the SFPD Policy does seem to allow medical exceptions. She said she would just ask that the Department take every step to make sure that the Police Recruiters are aware of this policy so that those who may wish to enter the Department and do have a medical condition that will not allow them to shave will know that and going through these procedures they may be able to enter the Department.

Chief Jordan said he couldn't recall of any such problem in the past but he would verify that and has no difficulty meeting her wishes in that respect.

PUBLIC HEARING ON RESERVE POLICE OFFICERS AND THE CADET PROGRAM

Commissioner Giraudo said it is his understanding this evening that the City Attorney who has requested a continuance to review this issue be given time to review the documents that were put together by the sub-committee and the committee that was formed for the purposes of developing a new policy. The matter was then continued to October 24, 1990.

PUBLIC HEARING ON (a) PROPOSED GENERAL ORDER ON "STANDARDS AND PROCEDURES FOR FIRST AMENDMENT ACTIVITIES, (b) PROPOSED SAN FRANCISCO POLICE DEPARTMENT CIVIL DISTURBANCE SECTION GUIDELINES, (c) PROPOSED FIELD OPERATIONS BUREAU GENERAL ORDER NO. 90-01, "DEPARTMENT POLICY ON POLITICAL DEMONSTRATIONS"

Commissioner Giraudo said it is his understanding this evening that the City Attorney, who has requested a continuance to review this issue, be given time to review the documents that were put together by the sub-committee and the committee that was formed for the purposes of developing a new policy. The matter was then continued to October 24, 1990.

PUBLIC HEARING ON POLICE DEPARTMENT'S PLAN OF ACTION AND GOALS ON REPORT WRITING PROCEDURES

Lieutenant Gary Pisciotto described the measures that will be undertaken to improve SFPD Report Writing by members. He said lieutenants who are Platoon Commanders will now make in-depth review of these reports and if there are deficiencies, they are to take note and have the sergeant or the lieutenant himself retrain that member. He said also incident report writing guides have been sent to all commanding officers and to all Platoon Commanders at the station levels. He said they will also be instructed to follow line by line the way report writing is taught at the Police Academy. He said in addition there will be a 2-hour block of in-service report writing training to be instituted in January 1991, for in-service training and advance officer training.

Speakers on the subject were: Inspector George Stasko-Police Academy, Mr. John Crew-ACLU, Sergeant Steve Johnson-SFPOA, Mr. Keith McHenry-Food not Bombs.

After much discussion on this subject, Commissioner Keker said he did not believe what has been proposed would be sufficient to correct the problem. He said 50% of the felony arrest that are not prosecuted because of many reasons. He said one person, because of their point of view, will come forward and say that it is because the police are making bad arrest. He said another person will say that the police are making good arrest but they are fouling up the reports. Somebody else may say the District Attorney's policies are the problem or the D.A. will only prosecute a case that only a 3 year old could lose. He said the result of all of that is that 50% of all of the arrest that the officers make never go any place and it should be very frustating to the officers and what problem and isolate it, 2%, 5% to where it can be placed right in the D.A.'s lap and then talk to the D.A. about improving it. He said in that area where there is a bad arrest then something should be done about that. He said if there is a piece of it where things are too complicated or the forms are too complicated it has to be broken down to something other what has gone on in the last couple of years.

RESOLUTION NO. 660-90

SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST POLICE SERGEANT DONALD I. HENSIC, WARRANT BUREAU

WHEREAS, the setting of date for the taking of evidence by a Commissioner in the disciplinary charges against Police Sergeant Donald I. Hensic, Warrant Bureau, was called it having been set for this date; and

WHEREAS, it was requested by the Police Commission that the setting of date to conduct taking of evidence be continued for one week; therefore be it

RESOLVED, that the date for taking of evidence is continued to Wednesday, September 26, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

HEARING OF POLICE OFFICER DAVID J. GOFF, PARK STATION

The hearing of the disciplinary charges filed against Police Officer David J. Goff, Park Station, was called it having been set for this date. Officer David J. Goff was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in prohibited conduct which may have had the effect of compromising the effective investigation of a criminal offense (a violation of Rule B-10 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Failure to make a written report of a serious crime or urgent police matter in which he became involved (a violation of Rule A-26(a) of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Robert Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer David J. Goff appeared in person and was represented by Ms. Margaret Pendergast, Attorney at Law.

An opening statement was made by Mr. Robert Martin for the Prosecution.

An opening statement was made by Ms. Margaret Pendergast for the Defense. Ms. Pendergast entered a plea of guilty to all charges on behalf of Officer Goff.

Commissioner Lee made a motion to accept the plea of Officer Goff and was seconded by Commissioner Craig and unanimously approved and accepted by the Commission.

Based on these findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by the Chief of Police:

SPECIFICATIONS NO. 1, NO. 2 AND NO. 3

Forty five (45) days suspension

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 661-90

DECISION - HEARING OF OFFICER DAVID J. GOFF, NORTHERN STATION

WHEREAS, on August 14, 1990, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer David J. Goff, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

(1) At all times herein mentioned, David J. Goff, Star No. 1465 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and is assigned to the Patrol Bureau - Park Station, Company "F";

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about April 25, 1990 at approximately 7:20 p.m., in the vicinity of 2810 San Bruno Avenue, San Francisco, CA, the accused, while off-duty, became involved in an altercation with a civilian after escorting the civilian from the above premises;

(4) While the civilian was being escorted from the above premises, the accused committed a battery by striking the civilian on the forehead with a bag containing a beer bottle, causing an injury requiring medical treatment and uniformed officers to be dispatched to the scene in order to conduct a preliminary investigation;

(5) The accused was identified as the person who struck the victim by a civilian witness, as well as the victim;

(6) When it was determined that an off-duty police officer was involved, two inspectors were called who conducted a thorough investigation;

(7) By striking the victim on the head thereby causing an injury (a violation of California Penal Code Section 245), the accused has engaged in conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

SPECIFICATION NO. 2

(8) The allegations contained in paragraphs (1) through (6) of Specification No. 1 are hereby incorporated by reference as though fully set forth herein;

(9) During the preliminary investigation of the aforementioned altercation, the accused became aware that the uniformed officers were looking for witnesses and/or the suspect in the incident, and denied any knowledge of the incident, engaging in conduct which violates Rule B-10 of General Order D-1 of the San Francisco Police Department which states:

"Except as required by law or by Department orders, members shall not divulge any information or engage in any conduct that may have the effect of compromising the effective investigation or prosecution of a criminal offense."

SPECIFICATION NO. 3

(10) The allegations contained in paragraphs (1) through (5) of Specification No. 1 are hereby incorporated by reference as though fully set forth herein;

(11) After the occurrence of the aforementioned incident, the accused failed to file a written report of the incident until April 30, 1990, five days after the incident and three days after being interviewed by investigating officers from the Inspectors Bureau.

(12) By his failure to submit a written report of the altercation in a timely manner, the accused engaged in conduct which constitutes a violation of Rule 26(a) of General Order D-1 of the San Francisco Police Department which states:

"Members shall when off-duty, make a written report to their commanding officer of any serious crime or urgent police matter which is brought to their attention or in which the member becomes involved as a peace officer."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 19, 1990, and on September 19, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1, No. 2 and No. 3 as preferred by the Chief of Police against Police Officer David J. Goff are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATIONS NO. 1, NO. 2 AND NO. 3

Forty-five (45) days suspension

and be it further

RESOLVED, that the forty-five (45) calendar days suspension shall commence on Thursday, September 20, 1990 at 0001 hours and end Saturday, November 3, 1990 at 2400 hours.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Recess taken during the hearing of Officer Goff:

8:29 p.m. to 8:40 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, Official Reporter, William E. Henderscheid and Associates.)

RESOLUTION NO. 662-90

HEARING OF POLICE OFFICER REY P. IBAY, COMMUNITY SERVICES

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Rey P. Ibay, Community Services, was called it having been set for this date;

WHEREAS, it was requested by the Police Commission that the hearing of disciplinary charges filed against Officer Ibay be continued to October 17, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Rey P. Ibay is continued to Wednesday, October 17, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

The meeting, thereafter, adjourned at 8:45 p.m..

Lt. Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5906M

SEPTEMBER 26, 1990 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, September 26, 1990 at 4:30 P.M. in Closed Session.

1. Attorney-Client Conference

   a. Eddie Henderson vs. CCSF
   b. Personnel Matter

SEPTEMBER 26, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 26, 1990 at 5:30 P.M. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF AUGUST 15, 1990

Approval of Minutes of Meeting of August 15, 1990, the Commissioners having received, approved, and returned copies of same.

DOCUMENTS DEPT.
NOV 20 19[illegible]
SAN FRANCISCO
PUBLIC LIBRARY

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 664-90

REVOCATION OF TAXICAB PERMIT #T-0309 ISSUED TO LEO BERNSTEIN DUE TO DEATH OF THE PERMIT HOLDER

WHEREAS, the request of the Chief of Police for revocation of Taxicab Permit #T-0309 issued to Leo Bernstein was called, it having been set for this date; and

WHEREAS, the death of Leo Bernstein has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore, be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit #T-0309 issued to Leo Bernstein.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 665-90

REVOCATION OF TAXICAB PERMIT #T-0358 ISSUED TO WALTER ZAGOREN DUE TO DEATH OF THE PERMIT HOLDER

WHEREAS, the request of the Chief of Police for revocation of Taxicab Permit #T-0358 issued to Walter H. Zagoren was called, it having been set for this date; and

WHEREAS, the death of Walter Zagoren has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore, be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit #T-0358 issued to Walter H. Zagoren.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 666-90

REVOCATION OF TAXICAB PERMIT #T-0642 ISSUED TO JACK SHUI DUE TO DEATH OF THE PERMIT HOLDER

WHEREAS, the request of the Chief of Police for revocation of Taxicab Permit #T-0642 issued to Jack Shui was called, it having been set for this date; and

WHEREAS, the death of Jack Shui has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore, be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit #T-0642 issued to Jack Shui.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 667-90

EDDIE HENDERSON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eddie Henderson in the sum of $10,000 in U.S. District Court No. C87-1971 SAW (Superior Court No. 867-802) as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 25, 1985

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

POLICE COMMISSION REPORT

(a) MOTION ON CALENDARING NEW MATTERS

Commissioner Giraudo announced that the Police Commission met this afternoon in Executive Session with the City Attorney in regard to a claim filed

Commissioner Keker then announced one other calendaring matter and it was the Terrero Decision currently set for October 3. He moved that it be scheduled for October 11, a Commission Special Meeting at 9 A.M.. It was unanimously approved.

POLICE COMMISSION REPORT

(b) PUBLIC COMMENTS

Speakers: Daniel Paiz, complained police harrassment, brutality and detention while at a bar called the Crystal Pistol. Judy Helfin, speaking in support of the first speaker, told the Commissioners they need to consider the voice of the people who come to the Commission with these incidents. Blair Apperson also in support of the first speaker, said continuing harrassment of lesbian and gays need to be taken more seriously.

Jane Catalano said there is great sensitivity and concern from the police department and many humanitarian organizations regarding verbal epitaphs and verbal cruelty to all minority groups except queer people. She said they would like more sensitivity from the police department in this area for gays and lesbians. Ray Russ, supporting the first speaker, said he was also in solidarity with Dolores Huerta and a victim in Friday night's incident. Bruce Carter supporting the first speaker and all other gays harrassed by the police. Mr. Bill of San Francisco, supporting the first speaker and tired of racist and homophobic attacks by SFPD. Reverend Richard Dalton, angry with the SFPD for its action last Friday night at Pierce St. Annex. Gerard Koskovich cited incidents that happened to two (2) of his friends at Club Uranus three weeks ago. He said he is very troubled by the adoption of violence by the SFPD as a tactic against peaceful gay and lesbian protestors.

Gene Cassaretto, in support of the police and resident in the area of the city where the bar was located on Friday evening where the confrontation took place. He said in his opinion the officers conducted themselves in a very officer like manner.

Captain Dennis Martel commented on the incident and arrest outside Pierce St. Annex, giving the Commission an overview of what occurred last Friday evening inside and outside of the Pierce Street Annex Bar.

Russ Cage, said the Captain just pointed out the heterosexual attitude of the SFPD.

Commissioner Giraudo told these complaining that if they feel they have a bonifide complaint then they should file that complaint with the OCC.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan reviewed some of the positive police activities that have taken place as to what SFPD Officers have done and accomplished during the past week. He said the Robbery Investigators have picked up two (2) subjects who were wanted for 35 bank robberies in the last 3 and a half months in San Francisco. He said the Parolee at Large Program, working for the past seven weeks now in the

against the City and County of SF and no vote was taken. He said also a sub-committee of the Commission met this with respect to the issue that has been in review for the past 8 or 9 months regarding conflicts between the OCC and the Chief of Police as to who can file a verified complaint before the Police Commission. He then asked Commissioner Keker to explain the process the Commission will follow in reporting to the public. Commissioner Keker reported that the Commission's sub-committee has requested the City Attorney to write up what the current law is known to be in this area, and he said what they understand the current law to be and what they will be discussing as a motion, which he would make tonight in general form, and then more specifically once it is written up, at a public hearing to be scheduled is approximately as follows: "The OCC investigates complaints and in the normal instance, the investigation is forwarded to the Chief of Police who makes a decision on it and if the decision is to sustain the complaint he verifies the complaint and forwards it to the Commission for hearing. In the rare instance where after discussion between the Chief of Police or his representative and the OCC Director or his representative there is no agreement and the OCC Director is insistent that the complaint should be sustained and that the Commission should hear it and the Chief is insistent that it is not a case that merits that, we will permit and the law permits to invoke the procedure, with regard to verifying the complaint, that is different from the normal one and that is that the OCC Director will be able to verify the complaint. The verified complaint from the OCC Director in these rare instances will then go back to the Chief of Police who maintains under the charter the sole power to decide whether or not a complaint charging discipline against a police officer should be filed. The Chief can decide to file the complaint in which case the Commission will hear it or the Chief can exercise his authority to not file a complaint in which case the Commission will be automatically notified. The Commission as a whole will review the decision and the Commission will make such directions as the Commission thinks that review warrants including but not limited to ordering the Chief to file a complaint. That is what we understand the current law is, that is what we want to codify as the practice, the City Attorney is going to put that together for consideration by the Department, it will be submitted to the Department for the Chief's consideration to the OCC for the OCC's consideration and to any member of the public that wants a copy for their consideration and it will come back before the Commission for setting a date for public hearing at the next meeting under calendaring of new items."

PUBLIC HEARING ON OCC POLICY RECOMMENDATIONS

(a) Revision of "Infectious Disease Control Procedures", General Order No. D-19 and Training Bulletin 88-04

(b) "Use of Force", General Order No. F-4

Commissioner Giraudo said that because there was not enough documentation provided to the Commission to be prepared to go forward this evening on this item and because of the case that is calendared this evening, it is preferred to continue it to October 17.

South of Market, North of Market and parts of the Mission, now have made 341 arrests of California Parole Violators. He said, also a Unit Citation Award was awarded today to the Narcotics Division for the year and a half work they have accomplished in making 22,000 arrests, 502 guns seized off the streets of San Francisco and confiscated 76 autos, 2 boats and 2 airplanes.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Ilene Luna, Chief Investigator, OCC, said Director Langer was on vacation and she was taking his place. She said the Commission has in front of it the OCC Statistical Report for August 1990. She said it is accurate but there is one discrepancy with the itemized list and that is case no. 31 was not in fact sent in August but in September due to a hearing request for their consideration. She said so there were 31 sustained cases instead of 32. She said they would like to have this Statistical Report calendared for October 3, 1990. She said the second item is that they scheduled the Staff Attorney interviews and they will be held the week of October 9 through 12th and they have 12 people who they have attempted to communicated with and 10 have responded. She said they have asked the Pro Bono Attorneys to prepare some questions for the interviews. She said in addition to that the third item that they have is on the Policy Recommendations that have now been changed to another night. One of the things that they wanted to get a little direction from the Commission on is that they did meet with the department and they did come to some agreements in terms of some impirical study that needed to be done to determine how wide spread the problems were and what the possible solutions were. She said she was wondering if it is alright with the Commission if they go ahead with that agreed upon decision this morning and then perhaps on the 17th they might have even more information when they make the proposals related to the policy.

Commissioner Craig said she could see no problem with that but they should let the Commission know the process that they have gone through.

SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES AGAINST POLICE SERGEANT DONALD I. HENSIC, WARRANT BUREAU

Mr. Peter Furst said that before the Commission considers a date for the taking of evidence he would ask that the Commission consider a motion that this matter is more appropriately to be heard by the entire Commission. He said he thinks the sensitivity of the case is one that is more properly to be heard by the entire Commission. He said also the allegations in this complaint go back a number of years and he envisions a motion to dismiss on prejudice grounds of Due Process and he would suggest that when they do set, that at very least, they set a Hearing Date for motions on the chance that they would be granted as it would be an unnecessary effort to prepare either for the prosecution or the defense of the case which has charges which they are going to allege are stale.

Commissioner Giraudo said the first date to be set them will be to hear Mr. Furst's motions.

RESOLUTION NO. 668-90

SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST POLICE SERGEANT DONALD I. HENSIC, WARRANT BUREAU

WHEREAS, the setting of date for the taking of evidence by a Commissioner in the disciplinary charges against Police Sergeant Donald I. Hensic, Warrant Bureau, was called it having been continued from the meeting of September 19, 1990; and

WHEREAS, Commissioner John W. Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Donald I. Hensic; and

WHEREAS, it was requested by Sergeant Hensic's attorney, Mr. Peter Furst, to submit motions on a date prior to commencement of taking of evidence in the matter; therefore be it

RESOLVED, that the date for hearing of motions is set for Wednesday, October 24, 1990, at 4:30 p.m. in the Commission Hearing Room, Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 669-90

NOTIFICATION AND FILING OF DISCIPLINARY CHARGES AGAINST POLICE OFFICER STEVEN J. RAVELLA, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Steven J. Ravella, Northern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department and which reflects discredit upon the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to prevent crime while off duty (a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department, and

WHEREAS, the Police Commission requests the assignment of a Police Commissioner for taking of evidence and setting of a date be scheduled next week; therefore be it

RESOLVED, the assignment of a Commissioner and setting of date for taking of evidence is set for Wednesday, October 3, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 670-90

REQUEST FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $21,410 TO RESTORE TRAVEL AND TRAINING FUNDS REDUCED IN THE SENIOR ESCORT 1990-91 BUDGET

WHEREAS, during fiscal year 1990-91 budget negotiations the Board of Supervisors reduced travel and training funds for all City Departments; and

WHEREAS, the Board had intended to cut unnecessary or frivolous items; and

WHEREAS, the travel and training in the Senior Escort Program were cut; and

WHEREAS, the Board does not consider travel and training funds appropriated to the Senior Escort Program to be unnecessary or frivolous; and

WHEREAS, the Board of Supervisors passed Resolution No. 722-90 on September 4, 1990, which urged that travel and training funds that were cut from the Senior Escort Program be restored; and

WHEREAS, the Mayor approved Resolution No. 722-90 on September 10, 1990, which urged that travel and training funds that were cut from the Senior Esort Program be restored; therefore be it

RESOLVED, that the Police Commission approves a supplemental appropriation request to restore $21,052 in travel funds and $358 in training funds in the Senior Escort Program.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

HEARING OF CAPTAIN WILLIAM N. WELCH, ADMINISTRATIVE BUREAU, SUPPORT SERVICES

The hearing of the disciplinary charges filed against Police Captain William N. Welch, Administrative Bureau, Support Services, was called it having been set for this date.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, and Ms. Mahoney, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

An opening statement was made by Mr. Daniel Bookin, Mr. James Collins and Mr. James Lassart. An opening statement was reserved by Mr. Stephen Whitmore.

The following witness was called by the Prosecution, was sworn and testified:

Lieutenant Thomas J. Lang, Northern Station

The following exhibit was entered into evidence by the Prosecution:

Exhibit C-2 Document that was removed from Officer Achim's file

The hearing was then adjourned to be continued at the meeting of October 3, 1990, 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Captain Welch:

8:05 p.m. to 8:20 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF LIEUTENANT THOMAS J. LANG, NORTHERN STATION

The hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Northern Station, was called it having been set for this date.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, and Ms. Mahoney, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

An opening statement was made by Mr. Daniel Bookin, Mr. James Collins and Mr. James Lassart. An opening statement was reserved by Mr. Stephen Whitmore.

The following witness was called by the Prosecution, was sworn and testified:

Lieutenant Thomas J. Lang, Northern Station

The following exhibit was entered into evidence by the Prosecution:

Exhibit C-2 Document that was removed from Officer Achim's file

The hearing was then adjourned to be continued at the meeting of October 3, 1990, 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Lieutenant Lang:

8:05 p.m. to 8:20 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF SERGEANT JAMES B. HALL, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

The hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Field Operations Bureau, Headquarters Co., was called it having been set for this date.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, and Ms. Mahoney, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

An opening statement was made by Mr. Daniel Bookin, Mr. James Collins and Mr. James Lassart. An opening statement was reserved by Mr. Stephen Whitmore.

The following witness was called by the Prosecution, was sworn and testified:

Lieutenant Thomas J. Lang, Northern Station

The following exhibit was entered into evidence by the Prosecution:

Exhibit C-2 Document that was removed from Officer Achim's file

The hearing was then adjourned to be continued at the meeting of October 3, 1990, 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Sergeant Hall:

8:05 p.m. to 8:20 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned.

Willie E. Frazier
Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5901M

MINUTES

OCTOBER 3, 1990 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, October 3, 1990 at 5:00 p.m. in Closed Session.

Commissioner Giraudo presiding.

Attorney-Client Conference

a. Henry Yuan vs. CCSF
b. Ann Bell Ratcliffe vs. CCSF
c. Allstate Insurance Co. vs. CCSF
(Insured: Debra A. Katzman)

DOCUMENTS DEPT.
DEC 1 1 19
SAN FRANCISCO
PUBLIC LIBRARY

OCTOBER 3, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, October 3, 1990 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

APPROVAL OF MINUTES OF MEETING OF AUGUST 22, 1990

Approval of Minutes of Meeting of August 22, 1990, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 671-90

HENRY YUAN vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry Yuan (unlitigated) in the sum of $8,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 15, 1990

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

RESOLUTION NO. 672-90

ANN BELL RATCLIFFE vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann Bell Ratcliffe in the sum of $6,000.00 in Municipal Court No. 032-873 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 2, 1989

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

RESOLUTION NO. 673-90

ALLSTATE INSURANCE CO. (INSURED: DEBRA A. KATZMAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allstate Insurance Company (Insured: Debra A. Katzman) (Unlitigated) in the sum of $5,880.33 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 25, 1990

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening on three Attorney-Client matters and no vote was taken.

(b) PUBLIC COMMENTS

Mr. John Crew, attorney for ACLU, said that last week the Commission announced that it would calendar this week the consideration of the issue on OCC cases and the Chief's verified complaint and when this specific proposal would be heard.

Commissioner Giraudo said Commissioner Keker did mention that but then it was postponed until such time as he would be present for setting of a date. He said upon his return and consultation with the City Attorney, in terms of some of the questions the Commission has had, he would make sure Mr. Crew is notified and that the matter will be publicly noticed as to when the Commission will hear it.

Mr. Crew then spoke on other issues such as the case at the Central America Refugee Center where the complainant was represented by the ACLU, complained about a sergeant in the SFPD who took photos of refugees, over their objections, and handed over the photos to the Consul General. He said an OCC complaint was filed six days after the incident where it was sustained and in the interim 9 months none of the witnesses, none of the complainants or the ACLU has heard anything about the status of this sustained case. He said he has just heard that a Chief's hearing is scheduled and they were not notified. He said two months ago they brought to the attention of the Commission information about another case that had been completed and that was about the macing of a legal observer at a demonstration and a hearing was held without the complainant knowing about it or participating. He said the Commission asked the ACLU to put their concerns in writing about that case in which they did and gave the Commission a letter about six weeks ago asking questions not only about how that case was handled, but more importantly what this means in the future. What is the process for Chief's

Hearings? Why was the complainant not told? Should the complainant be allowed to participate? Does the Chief review the entire OCC file and shouldn't the complainant be told the results of that hearing? He said they have not received any response whatsoever to those questions. He said when they hear, after 9 months of nothing that a Chief's Hearing is scheduled, the ACLU has four simple questions they feel are quite reasonable: "Has this Chief's Hearing already taken place? And if it hasn't when is it scheduled for? Will the complainants and witnesses be able to participate in this hearing and if not why not? Will the Chief personally review the entire OCC file? And at the conclusion of this process, will the complainants be told of the result as it is specifically allowed under State Law under a new amendment which commenced January 1, 1990, under 832.7 of the Penal Code?

Chief Jordan said the case of the sergeant and the photos has been scheduled for hearing tomorrow. He said he had reviewed the OCC file and if he deems it appropriate he can call in any outside witnesses including those who are complainants. He said usually he goes through exactly what the statements are in the testimony from OCC and occasionally he has asked for them to come in.

Other speakers were: Daniel Paiz - Why no discipline of officers who were in violation of Department Rules on October 6, 1989. Mary Vail - Requested info on Verified Complaint issue and commented on the macing case of Diana Bullock. Brian Bringardner, OCC complainant from October 6, 1990 - Chief did not comply with General Order L-1. Chief said that approximately several weeks ago he did ask for an extension on the case of which Mr. Bringardner speaks because of the voluminous documents MCD was reviewing.

Meg Itasi, SF resident - She said she was a part of the gay and lesbian community and also echo the same feeling about the October 6, 1989, Police Riot as other speakers. She said she needs to remind the Commission about the reality and the human experience of violence and brutality that happened one year ago this weekend in the Castro.

Gerard Koskovich said he was present before the Commission again, tonight mark the first anniversary of the October 6, 1989 riot in the Castro. He said since that time, because of the cumbersome and inadequate disciplinary process, which seems to serve the bureaucratic needs of the OCC and the due process demands of the SFPOA than to serve the needs of citizens who are aggrieved for justice, they have seen an increasing problem with harrassment of members of the gay and lesbian communities by officers in the SFPD.

Speaker who gave his name only as Wayne said he would address the common ground of both the gay and lesbian community and the community outside of the gay and lesbian community. He went on to speak of the use of force when in direct contact with the SFPD and its procedures in arresting individuals. He said this complaint tonight has to do with the officers wearing gloves when dealing with gay and lesbians and not wearing of gloves when dealing with union disputes, political rallies or visiting dignitaries. He said this sends a very ugly message to the gay and lesbian communities as it hurts them and dehumanizes them.

Sergeant Steve Johnson, Secretary of SFPOA, said they would like to receive any written documentation that is provided to the ACLU, ABA or the NLG in regard to the OCC process that will be discussed in the future.

Robert O'Neal, complained of a homeless person sleeping near his home and will not go away. He wanted help from the SFPD to remove him.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had a report on two items and one is on a note of success during the week. He said on Friday, the Narcotics Division, with the cooperation of the Oakland Police Department in an on-going case, arrested suspects who had $80,000 in their possession. He said two autos were confiscated, a classic Corvette and a Mercedes, the house where the arrest occurred also has been confiscated because in the house they found 21 lbs of cocaine. He said the Narcotics Assest Seizure Funds will probably be enhanced through this arrest in the near future. He said another matter is the Dr. Winkie case that occurred awhile back. He said this is a case where the owner of the DV8 Night Club in the South of Market observed two suspect stealthily going into his home out in the Marina and they were arrested. He said as a result of that arrest the department has now cleared 14 robberies, 83 burglaries, 2 stolen auto reports and one case of extortion. He said there were 102 felony charges placed against suspect Dino Smith and suspect Troy Smith has 61 felony charges pending against him. He said this is the results of an investigation into a sequence of events during a 1 1/2 year period in occurrence. He then gave the Commission a report in writing of the Department's 4/10 plan which may be abandoned with a possible return to the 5 day/8 hour schedule.

After hearing the Chief's report, Commissioner Lee asked on behalf of the Commission that he would like for the Chief to prepare a report for the Commission on daily patrol schedules in business and residential areas of the nine district stations. He said he wanted to know specifically about the foot patrol coverage along with other types of patrols that are now deployed.

At this time the Commissioners returned to Item #5 (a), Police Commission Report/Calendaring of New Matters, and set a date for a Public Hearing for procedures to be utilized in a Chief's Disciplinary Hearing as to whether or not complainants and witnesses will be called as participants in the process. This was motioned by Commissioner Craig, seconded and set for October 24, 1990.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Ilene Luna, Chief Investigator, said that the OCC will be monitoring the October 6, 1990 demonstration as scheduled in the Castro and they also have an update on the City Attorney's Opinion in that it should be in to the OCC by tomorrow and they look forward to that so they can move a case from the October 6, 1989 incident that was pending

completion upon arrival of that opinion. She then gave the Commission an update on the OCC's proposed move from its current offices. She said since they are getting the addition of a Staff Attorney and also hiring another clerical position they are stressed for space and before Director Langer left he selected this building at 5th and Harrison and authorized their proceeding with it to check to see if it was possible to get into it. She said they contacted the Real Estate Department to the City and they are checking into a lease situation. She said it is a little bit farther from the Hall than their present offices but it is considerably larger and less than half the price.

PUBLIC DISCUSSION ON OCC STATISTICAL REPORT FOR AUGUST 1990

Mr. John Crew, ACLU, said he wanted to thank the OCC for responding to two of the issues that were raised the last time about the Statistical Report. He said the timelessness of the report has improved dramatically and contains more thorough disposition information. He said there is one pending issue that they raised before that is unresolved and he would be happy to drop it once they receive a yes or no from the Commission and that is how policy recommendations are recorded statistically. He said there is really two issues which pertain to sustained cases and a sustained case is when an officer has violated a rule, a policy recommendation is made when there is no rule or there is an inadequate rule and he said he thinks it is confusing to lump them together as is done in the report. He said the second issue is that by not putting on the cover page the policy recommendations de-emphasizes their importance and that this function is a very important role for the OCC as it is becoming more prominent and they appreciate it but one must really search through the report to see that there are police recommendations.

Ms. Ilene Luna said the OCC would have no problem with making the suggested changes. Commissioner Giraudo said the Police Commission would not have a problem with it either.

RESOLUTION NO. 674-90

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST POLICE OFFICER STEVEN J. RAVELLA, NORTHERN STATION

WHEREAS, the assignment of a Commissioner and setting of date for the taking of evidence in the disciplinary charges against Police Officer Steven J. Ravella, Northern Station, was called it having set for this date; and

WHEREAS, Commissioner Louis J. Giraudo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Steven J. Ravella; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Giraudo in the charges against Officer Steven J. Ravella is set for Tuesday, November 27, 1990 at 12:00 noon in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

RESOLUTION NO. 675-90

STATUS ON CHARGES AGAINST POLICE OFFICER EMILY R. FIELDS, WARRANT BUREAU

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Emily R. Fields, Warrant Bureau, was called it having been set for this date; and

WHEREAS, Dr. R. Clayton Parson, Police Physician, reported that Officer Fields has lost 4-1/2 pounds since the last report and is in compliance; therefore be it

RESOLVED, that Officer Emily R. Fields is to appear for another status report in 30 days and that she is to lose five (5) pounds by that time; therefore be it further

RESOLVED, that the status report on Officer Emily R. Fields is scheduled for the meeting of Wednesday, November 7, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioners Campana, Keker

HEARING OF CAPTAIN WILLIAM N. WELCH, ADMINISTRATIVE BUREAU, SUPPORT SERVICES

The hearing of the disciplinary charges filed against Police Captain William N. Welch, Administrative Bureau, Support Services, was called it having been continued from the meeting of September 26, 1990.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

The following witnesses were called by the Prosecution, were sworn and testified:

Lieutenant Thomas J. Lang, Northern Station
Sergeant James B. Hall, Field Operations Bur., Hq. Co.

The following exhibits were entered into evidence or marked for identification by the Prosecution:

Exhibit C-1 Achim Grievance (Confidential)

Exhibit C-2 Document removed from Officer Achim's PIP file (Confidential) (Entered 9/26/90)

Exhibit C-2A Removed document with sentences numbered (Confidential)

Exhibit C-3 Officer Achim's PIP file as produced to Grand Jury in 1988 (Confidential)

Exhibit C-4 Copy of Officer Achim's PIP as of May 10, 1989 (Confidential)

Exhibit 3 General Order P-14

Exhibits 20-1, 20-1A, 20-3, 20-3A, 20-9, 20-9A, 20-23, 20-23A Several tapes and transcripts (Confidential)

Exhibit 1, 1-A News Articles and Authentication of news articles

Exhibit 2 Videotaped compilation of television stories

Exhibit 2-A Declaration of Custodian of Records at KRON

Exhibit 2-B Declaration of Custodian of Records at KTVU

Exhibit 4 Copy of subpoena to Sgt. Hall

The hearing was then adjourned to be continued at a Special Meeting on October 17, 1990 at 12:00 noon in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioner Campana
RECUSED: Commissioner Keker

Recess taken during the hearing of Captain Welch:

8:37 p.m. to 8:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF LIEUTENANT THOMAS J. LANG, NORTHERN STATION

The hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Northern Station, was called it having been continued from the meeting of September 26, 1990.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

The following witnesses were called by the Prosecution, were sworn and testified:

Lieutenant Thomas J. Lang, Northern Station
Sergeant James B. Hall, Field Operations Bur., Hq. Co.

The following exhibits were entered into evidence or marked for identification by the Prosecution:

Exhibit C-1	Achim Grievance (Confidential)
Exhibit C-2	Document removed from Officer Achim's PIP file (Confidential) (Entered 9/26/90)
Exhibit C-2A	Removed document with sentences numbered (Confidential)
Exhibit C-3	Officer Achim's PIP file as produced to Grand Jury in 1988 (Confidential)
Exhibit C-4	Copy of Officer Achim's PIP as of May 10, 1989 (Confidential)
Exhibit 3	General Order P-14
Exhibits 20-1, 20-1A, 20-3, 20-3A, 20-9, 20-9A, 20-23, 20-23A	Several tapes and transcripts (Confidential)
Exhibit 1, 1-A	News Articles and Authentication of news articles
Exhibit 2	Videotaped compilation of television stories
Exhibit 2-A	Declaration of Custodian of Records at KRON
Exhibit 2-B	Declaration of Custodian of Records at KTVU
Exhibit 4	Copy of subpoena to Sgt. Hall

The hearing was then adjourned to be continued at a Special Meeting on October 17, 1990 at 12:00 noon in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioner Campana
RECUSED: Commissioner Keker

Recess taken during the hearing of Lieutenant Lang:

8:37 p.m. to 8:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF SERGEANT JAMES B. HALL, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

The hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Field Operations Bureau, Headquarters Company, was called it having been continued from the meeting of September 26, 1990.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

The following witnesses were called by the Prosecution, were sworn and testified:

Lieutenant Thomas J. Lang, Northern Station
Sergeant James B. Hall, Field Operations Bur., Hq. Co.

The following exhibits were entered into evidence or marked for identification by the Prosecution:

Exhibit C-1 - Achim Grievance (Confidential)

Exhibit C-2 Document removed from Officer Achim's PIP file (Confidential) (Entered 9/26/90)

Exhibit C-2A Removed document with sentences numbered (Confidential)

Exhibit C-3 Officer Achim's PIP file as produced to Grand Jury in 1988 (Confidential)

Exhibit C-4 Copy of Officer Achim's PIP as of May 10, 1989 (Confidential)

Exhibit 3 General Order P-14

Exhibits 20-1, 20-1A, 20-3, 20-3A, 20-9, 20-9A, 20-23, 20-23A Several tapes and transcripts (Confidential)

Exhibit 1, 1-A News Articles and Authentication of news articles

Exhibit 2 Videotaped compilation of television stories

Exhibit 2-A Declaration of Custodian of Records at KRON

Exhibit 2-B Declaration of Custodian of Records at KTVU

Exhibit 4 Copy of subpoena to Sgt. Hall

The hearing was then adjourned to be continued at a Special Meeting on October 17, 1990 at 12:00 noon in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioner Campana
RECUSED: Commissioner Keker

Recess taken during the hearing of Sergeant Hall:

8:37 p.m. to 8:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 9:26 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5913M

MINUTES

OCTOBER 10, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco held their Regular Meeting in the Ingleside District Bernal Heights Community Center, 515 Cortland Avenue at 6:00 p.m..

DOCUMENTS DEPT.
DEC 1 ·
PUBLIC LIBRARY

AYES: Commissioners Craig, Keker, Lee
ABSENT: Commissioners Campana, Giraudo

APPROVAL OF MINUTES OF MEETING OF AUGUST 29, 1990

Approval of Minutes of Meeting of August 29, 1990, the Commissioners having received, approved, and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Keker announced to the audience that it was a pleasure for the Police Commission to be meeting in the Ingleside District this evening. He said two Commissioners are out of town and couldn't be here tonight. He continued by saying that the Police Commission is a five person board appointed by the Mayor to sit, in someways, as a Board of Directors and in someways, as an omnibusman and someways, as a Disciplinary Judicial Body over the Police Department. He then introduced other members present from the Police Department. Chief Frank Jordan, Assistant Chief Willis Casey, Deputy Chief Frank Reed, Commander Brush, OCC Director Michael Langer and his Chief Investigator Ilene Luna, Captain Diarmuid Philpott, Commanding Officer of this district and other officers, who he said, the audience may meet as the night goes on. He said the Commission will conduct regular business meeting and then turn the mic over to Captain Philpott who will report on what he sees as problems in the district and thereafter entertain public comments allowing people in the audience to say what they feel the Commission should be doing and what the police should be doing.

(a) MOTION ON CALENDARING OF NEW MATTERS

Rescheduling of Police Officer Ronald Ray's Hearing to October 17th. The other matter Commissioner Keker said would be the issue of when the OCC Director believes that a case should be verified and heard by the Commission and the Chief of Police believes that it should not be verified and filed, the Police Commission would like to calendar that matter for Public Hearing on October 24th. The motion to take this action was made by Commissioner Craig and seconded by Commissioner Lee and unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan said he had one item dealing with General Order L-1 where a complaint that has been sustained from the OCC comes to the Chief or to his designee which would be the Management Control Division and as he reads General Order L-1 in the specific section, it says the Chief has 60 days for review and action, and the matter brought up last week regarding the alleged Castro Sweep, he said looking at this General Order, it

appears that the Management Control did have it and he signed it and it was sent to him on October 3rd and he signed it on the 3rd and returned it to them on the 4th but looking at the time the OCC sent it to him, it was June 29th so it is beyond the 60 days. He said so he wants his attorney, Mr. Bob Martin, to look at the 2nd one so that it doesn't wind up as a problem here in terms of going beyond the deadline. He said this second one here has a great many exhibits, taped interviews and video tapes. The Chief then had Mr. Bob Martin of the Management Control Division give details of how much material is involved in going over this case which took OCC 9 months to investigate. He said he needed another 30 to 45 days for review as it also involves the same officer who the first case was filed against. Commissioner Keker said what he sees as one of the problems is that if the Officer wants to try all of this together he did not see how the Commission could say no. He said his recommendation would be to give Mr. Martin another 30 days for review on this one and the the officer's lawyer be asked to come in for calendaring the complaint that has already been filed, two weeks from now, October 24, 1990, and the Commission will discuss scheduling then. Commissioner Lee made a motion to that effect it was seconded by Commissioner Craig and unanimously approved.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer said he had two items. One is that they commenced the interview process for the Senior Staff Attorney yesterday. He said several weeks ago they submitted a list of 12 candidates and they have scheduled 11 of those 12 but they have tried 4 or 5 times on the 12th one and have been unable to schedule him so they have dropped him from the list and added an additional candidate.

Upon the request of Commissioner Keker, Mr. Langer then gave the audience a brief description of the duties of the Office of Citizen Complaints, their address and their business hours. He also told of what OCC's expectations are for the just mentioned position of Staff Attorney who would, among other things, act as prosecutor of complaints forwarded to the Commission from the OCC. He said the other item is, Senior Investigator Ilene Luna and he appeared before the Public Safety Committee in Sacramento today before Assemblyman Burton's Committee discussing confidentiality of citizen complaint and police personnel records.

CAPTAIN DIARMUID PHILPOTT, COMMANDING OFFICER, INGLESIDE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT

Captain Diarmuid Philpott in addressing the Commission and the audience, gave an overview as to the boundaries of the Ingleside District, numbers of radio car patrols, numbers of foot beat patrols and special types of policing created to combat the various and sundry crimes committed in the district. He said his staff consist of 80 police officers, 3 light duty officers, 16 full duty sergeants and 1 light duty sergeant. He said it is divided up into 4 platoons under the platoon system and at any given time they will have 50% of that compliment working. He then spoke of some of the

problems encountered in the area such as traffic and parking, abandoned autos, drugs at Oceanview Playground and a recent shooting at that location. Also, about dope dealing in Holly Park where recent concentrated efforts reduced crime there by 60%. At the request of Commissioner Lee regarding foot patrol in this neighborhood, Captain Philpott said he tries to put an officer here in the afternoons from about 2 PM to 6 PM. He said the officer's name is Louis Hamilton and at one time he had the Excelsior Beat exclusively but now his time is broken up between here and there. The Captain continued by saying that some days he can not put out a beat officer at all but when he can this area is always covered because there is a children's playground over there where many violations are occurring and they are going to work on it and get it cleaned up.

PUBLIC COMMENTS

Speakers were as follows:

Ms. Dorothy Hyers, Holly Park - complained of increased auto boosting.

Mr. Brian Bringardner read an article from SF Monday's Examiner on "Why Cops Misbehave".

Mr. Charles Bolton, Clerk for the Northwest Bernal Block Club - complained of increased auto boostings in Holly Park, shootings, increased cocaine usage, but commended Captain Philpott for doing the best he could with the support he has. He said the department's communications problem also needs to be addressed.

Mr. Gus Gonzales, member of the Northwest Bernal Block Club - spoke on the communications problem also.

Bernice Castany said additional plainclothes officers are needed.

A male speaker from New York said he moved to SF to get away from violence but now same thing here is happening, needs more police.

Reverend Caroline Dyson - commends SFPD, it took being on inside to see the enormous work being done, however had problem with officer calling suspect a resident loser.

Roy Martinez - complained of drinking in park and at Andover and Cortland. Police should not baby juveniles.

Michael Shea, also complained of drinking in park, needles in sand box. He supports more police. Dislikes Bush protection paid for at cities expense.

Natalia Rosales had two burglaries in past year and no police response.

Lora Pecaro same thing happened to her as happened to Gus Gonzales. No police communications in responding to complaints.

Kim Harmon - district has combined problem with alcohol, heroin and crack, Captain does not have enough personnel to deal with it.

Mauricio Avela, Beat Officer Louis Hamilton is very aggressive but has no car and no support.

Alice Moses - Block Clubs really work as you can fight City Hall. Commends Captain Philpott, needs continued SFPD presence.

Toby Warner said he is card carrying ACLU member, would approve drugs if rest of crime did not come with it. Concerned about violence.

Jeanette Conley - complained of liquor store and public telephone problem at Ellsworth and Anderson.

Guido Bernaso - Police issued citations, penalties should be stiffer otherwise it's a waste of time.

Jim Thorigiano said there is a need to establish some guidelines and levels of service for Police Department to confirm with.

Genaro - Cops are negative enforcement, not a good role model for young people.

Joe Brancrum - Needs more beat officers to have personal contact with public.

Joe Choroy said one of his bestfriend is police officer and wondered where all officers are located and why can't many office positions held by officers go to civilians.

Norma Podesta said as citizens, they need to raise funds to help police do what they need to do - to fight crime.

Helen Helfer - need to pass the transfer tax now to get more police and more affordable housing.

Rick Palos - wants to be assured that when he tells his Block Club police will respond, that they can count on them responding.

Reverend Lewis, Third Baptist - thinks police are doing great job, but should be done, as they have in the OMI, is to set up youth courts so young people can understand the system that operates in the SFPD.

Rich Tachera - Criminals believe that police are ineffective because of courts. They know they can commit crimes one day, get caught and be out the next day

After listening to the last speaker, Commissioner Keker said this area seems to be much further along in recognizing the need for community activism as well as Block Club Organizations than some other parts of the city. He said the Commission will be back next year and he hoped they will be able to tell the Commission at that time that all of their problems have been solved.

Commissioner Craig said that it has really been instructive for all of the Commissioners in holding these community meetings and as it is preferrable for the Commissioners to continue rotating its district meetings, it will take awhile to get back to Ingleside as they must get to all of the districts.

She said while the level of frustration here is high, it should give them some comfort in what Commissioner Keker has said that they are a lot further along then what has been experienced in other districts and in knowing what directions they are going. She said hearing about where things are going wrong with the system have been very helpful for the Commission and the administration to fix the problem.

Commissioner Keker then said as a matter of Commission business he would suggest that the Commission calendar a vote on whether or not the Commission endorse the Transfer Tax that is before the Board. All Commissioners agreed. The meeting, thereafter, was adjourned at 8:35 p.m..

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5921M

MINUTES

OCTOBER 17, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, October 17, 1990 at 5:00 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 5, 1990

Approval of Minutes of Meeting of September 5, 1990, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.
DEC 18 1990
S.F. PUBLIC LIBRARY

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 677-90

TAXICAB PERMIT APPLICATION OF ABDO M. ABDELLO

WHEREAS, the San Francisco Police Commission pursuant to its authority under Article 16 of the Municipal Police Code appointed a Hearing Officer who conducted hearings from June 11, 1990 through June 18, 1990, regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, October 17, 1990, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Abdo M. Abdello, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Abdo M. Abdello.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

RESOLUTION NO. 678-90

TAXICAB PERMIT APPLICATION OF HENRY STERN

WHEREAS, the San Francisco Police Commission pursuant to its authority under Article 16 of the Municipal Police Code appointed a Hearing Officer who conducted hearings from June 11, 1990 through June 18, 1990, regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, October 17, 1990, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Henry Stern, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Henry Stern.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

RESOLUTION NO. 679-90

TAXICAB PERMIT APPLICATION OF MARKOS M. TAFESSE

WHEREAS, the San Francisco Police Commission pursuant to its authority under Article 16 of the Municipal Police Code appointed a Hearing Officer who conducted hearings from June 11, 1990 through June 18, 1990, regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, October 17, 1990, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Markos M. Tafesse, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Markos M. Tafesse.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

RESOLUTION NO. 680-90

REVOCATION OF TAXICAB PERMITS #T-0241, T-0242, T-0243, T-0244, T-0245 AND T-0246 ISSUED TO DONALD CLARK, DUE TO DEATH OF THE PERMIT HOLDER

WHEREAS, the request of the Chief of Police for revocation of Taxicab Permit #T-0241, #T-0242,

#T-0243, #T-0244, #T-0245 and #T-0246 issued to Donald Clerk was called, it having been set for this date; and

WHEREAS, the death of Donald Clark has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permits revert to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permits #T-0241, T-0242, T-0243, T-0244, T-0245, and T-0246 issued to Donald Clark.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

POLICE COMMISSION REPORT

Commissioner Giraudo announced that there is no Police Commission report this evening.

(a) MOTION ON CALENDARING OF NEW MATTERS

None

(b) PUBLIC COMMENTS

Mr. John Crew said he had two matters: 1. Two or three weeks ago, the Commission scheduled for the 24th the Notification of Complainant of possible participation in Chief's Hearings and Commissioner Giraudo asked that he (Crew) resubmit a letter on the ACLU's position, which he did, and he had a conversation yesterday with the Commanding Officer of the Legal Division who suggested that there is certain information that cannot be released in those notifications. Mr. Crew said the ACLU would disagree but it is his understanding as the officer indicated that if the Bradshaw Decision is not taken by the Supreme Court and it is not de-published then their opinion would change. He said so rather than have a discussion about this when all of this may change in two weeks and that is the Supreme Court is suppose to decide on November 2nd, he would request, and he believes it is more efficient for the Commission and everyone, that that matter be put off, he would hope to November 7th.

Mr. Crew said the other item has to do with the proposed policy on the disagreement between the Chief and the OCC Director on whether or not the Commission will hear certain cases. He said the issue has been around for 18 months and in the recent round of meetings there was agreement, at least in principal, that this issue could be solved without a Charter Amendment. He said the written proposal by the City Attorney has just recently been made available and since there is an entirely new provision in this proposal, new from his (Crew's) perspective, compared to what they (sub-committee) had discussed and from what Commissioner Keker had reviewed, he didn't think it is unreasonable to ask that this matter be put over so that members of the public may have time to review it as compared as to how long it has been before the City Attorney, the Commission and others.

After much further discussion, Commissioner Keker made a motion to have a Public Hearing on this issue next week with the Commissioners committing, at this time, not to vote on it and instead to either have a drafting session and or a further public hearing before their votes. Commissioner Craig seconded the motion and it was unanimously approved.

Mr. Jote Kajela, in addressing the Commission, attempted to get a commitment from the Commission to schedule, at this time, hearings for Public Convenience and Necessity for the issuance of Taxicab Permits. He was advised that when 1991 comes the Commission would consider it.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan said he had one item and it was an update on the Act-Up Demonstration that occurred on Saturday, October 6, 1990. He said the Department had a number of supervisors on the scene, Commander Michael Lennon, Captain Michael Hebel, Captain Dennis Martel and by all indications there were no complaints or difficulties.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of OCC said he had two brief items and one was a key area in number 4 in his plan for 90/91 Operational Strategies which called for him to review the duties, responsibility, chain of command, etcetera for the OCC and called for some specific action steps. He said the action step in number 4 was to reorganize and shift duties as necessary. He said he has a new Organizational Chart with the Staff Attorney included on it and he would distribute it to the Commissioners tonight along with copies of the old one so that they can be compared and he would like to have it calendared for next week. He said as the Commissioners can see there are a number of significant changes on the chart and he would like it to be an item calendared for discussion and the Commission's subsequent approval. He said the second item is that they interviewed 12 attorneys for the Senior Staff Attorney position and their intent was to wind up with three finalists but they wound up with four very qualified candidates and he would like to, on the Commission's break if possible, talk to Commissioners Campana and Keker concerning them having a discussion and selecting a final candidate.

PUBLIC HEARING ON OCC POLICY RECOMMENDATIONS

(a) REVISION OF "INFECTIOUS DISEASE CONTROL PROCEDURES", GENERAL ORDER NO. D-19 AND TRAINING BULLETIN 88-04

Director Langer said that on the 24th of September, Chief Investigator Ilene Luna met with Lieutenant Pisciotto and Sergeant Tennant and all were in agreement that a revised and updated Department General Order and Training Bulletin be re-issued. He continued by saying that it was

agreed upon that it would take 45 days to develop a new set of guidelines that will then be brought to the Police Commission for final review and consideration.

After listening to OCC Investigator Larry Shockey and Sergeant Woodrow Tennant speak on the subject, Commissioner Giraudo advised them to go forward with their meetings and the Commission would be interested to see what is brought back to them.

(b) "USE OF FORCE", GENERAL ORDER NO. F-4

Director Langer said he would request that this matter be put over three more weeks so that the OCC and the Department could do some more research on it. Mr. John Crew of the ACLU said that he had sent a letter to the Commission raising some points that needed to be addressed in this regard and hoped that these would be included in the research also. Commissioner Keker made a motion to continue it for three weeks it was seconded by Commissioner Craig and unanimously approved.

STATUS REPORT ON OFFICER DENIS P. JOYCE, NORTHERN STATION

The date for the status report on the disciplinary charges filed against Police Officer Denis P. Joyce, Northern Station, was called it having been set for this date.

Mr. Robert Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Denis P. Joyce appeared in person and was represented by Ms. Colette Jolicoeur, Attorney at Law.

An opening statement was made by Mr. Robert Martin for the Prosecution

An opening statement was made by Ms. Colette Jolicoeur for the Defense.

It was noted that Officer Joyce weighed 239 pounds, 7 pounds over the mandated weight loss.

Based on these findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It was the recommendation of the Chief of Police that Officer Joyce be suspended for ten (10) days.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 681-90

DECISION - STATUS OF CHARGES FILED AGAINST OFFICER DENIS P. JOYCE, NORTHERN STATION

WHEREAS, it is the decision of the Police Commission that Officer Denis P. Joyce shall lose 10 pounds in 30 days; otherwise, a 15 days suspension shall be imposed at that time; therefore be it

RESOLVED, that the status report on Officer Denis P. Joyce will be held at the Police Commission meeting of Wednesday, November 28, 1990, at 5:30 p.m., Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF OFFICER RONALD G. RAY, SOUTHERN STATION

The hearing of the disciplinary charges filed against Police Officer Ronald G. Ray, Southern Station, was called it having been set for this date. Officer Ronald Ray was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department and which reflects discredit upon the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Having a loaded firearm in his possession when off-duty while under the influence of an alcoholic beverage (a violation of Rule III(D) of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off-duty (a violation of Rule A-3 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Robert Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Ronald G. Ray appeared in person and was represented by Mr. Ray Roberts, Attorney at Law.

An opening statement was made by Mr. Robert Martin for the Prosecution.

An opening statement was made by Mr. Ray Roberts for the Defense. Mr. Roberts entered a plea of no contest to the charges on behalf of Officer Ray.

The plea of Officer Ray was unanimously approved and accepted by the Commission.

Based on these findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by the Chief of Police:

SPECIFICATIONS NO. 1, NO. 2 AND NO. 3

Sixty (60) days suspension and enroll in the Department's D-4 Program

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 682-90

DECISION - HEARING OF RONALD G. RAY, SOUTHERN STATION

WHEREAS, on September 1, 1990, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Ronald G. Ray, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Ronald G. Ray, Star No. 1323 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and is assigned to Southern Police Station, Company "B";

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On May 11, 1990, at or about 0100 hours, the accused was off-duty and a patron at Fat Ron's Bar, 1196 Geneva Avenue, San Francisco, California;

(4) At said time and place, the accused consumed at least two alcoholic drinks in addition to having consumed numerous alcoholic drinks prior to his arrival at Fat Ron's'

(5) While at the aforementioned location, the accused became involved in a verbal altercation with one or more of the other patrons;

(6) During said altercation, the accused simulated having a handgun in his pocket, left the bar, and went to his vehicle and obtained a loaded automatic pistol from his vehicle;

(7) Several patrons in the bar called the police and reported a man with a gun; the accused did not identify himself as being a police officer while in the bar;

(8) Uniformed police officers arrived at the scene and located the accused in/or about his vehicle and retrieved from his waistband the aforementioned loaded handgun;

(9) The accused was ordered to submit to an intoxilyzer test at 0429 hours (three and one half hours after the occurrence of the incident) and the intoxilyzer test showed the accused to have a blood alcohol level of .19% and therefore to be under the influence of alcohol (intoxicated);

(10) The accused was detained by officers from Ingleside Station;

(11) By becoming intoxicated and involved in an altercation with patrons at Fat Ron's Bar and leading them to believe that he had a handgun in his pocket, the accused had engaged in conduct which subverts the good order, efficiency and discipline of the department and reflects discredit on the department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(12) The allegations contained in Specification No. 1, paragraphs (1) through (10) are hereby incorporated by reference as though fully set forth herein;

(13) In connection with the matters referred to above, by becoming intoxicated and having in his possession a loaded firearm while off duty, the accused has engaged in conduct which constitutes a violation of Rule III(D) of General Order D-4 of the San Francisco Police Department which states:

"A member while off duty and carrying a weapon shall not consume alcoholic beverages to the extent that he/she becomes intoxicated."

SPECIFICATION NO. 3

(14) The allegations contained in Specification No. 1, paragraphs (1) through (10) are hereby incorporated by reference as though fully set forth herein;

(15) In connection with the matters referred to above, by becoming intoxicated and having in his possession a loaded firearm while off duty, the accused has engaged in conduct which constitutes a violation of Rule A-3 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while carrying a firearm off-duty or while acting in the capacity of a peace officer, maintain themselves in a fit condition to perform police duties."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, October 17, 1990, and on October 17, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1, No. 2 and No. 3 as preferred by the Chief of Police against Police Officer Ronald G. Ray are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATIONS NO. 1, NO. 2 AND NO. 3

Sixty (60) days suspension and enroll in the Department's D-4 Program

and be it further

RESOLVED, that the sixty (60) calendar days suspension shall commence on Thursday, October 18, 1990 at 0001 hours and end Sunday, December 16, 1990 at 2400 hours, and be it further

RESOLVED, that if any further violation occurs, Officer Ray shall immediately appear before the Police Commission.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

Recess taken during the hearing of Officer Ray:

6:40 p.m. to 6:51 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

(CLOSED SESSION)

HEARING OF POLICE OFFICER REY P. IBAY, COMMUNITY SERVICES

The hearing of the disciplinary charges filed against Police Officer Rey P. Ibay, Community Services, was called it having been set for this date.

Mr. Robert Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Rey P. Ibay appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

An opening statement was made by Mr. Robert Martin for the Prosecution.

An opening statement was reserved by Mr. Whitmore.

The following witnesses were called by the Prosecution, were sworn and testified:

Ms. Rosanna Banias, San Francisco Fire Department
Mr. Alex Banias, 1041 Edwards Road
Burlingame, CA
Inspector Thomas Lee Eisenman, Juvenile Bureau

The hearing was then adjourned to be continued to Wednesday, November 7, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

The meeting, thereafter, was adjourned at 8:33 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5939M

F
15
2
9/90
CIAL

MINUTES

NOVEMBER 19, 1990 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Monday, November 19, 1990 at 3:00 p.m. in a Special Meeting.

HEARING OF CAPTAIN WILLIAM N. WELCH, ADMINISTRATIVE BUREAU, SUPPORT SERVICES

The hearing of the disciplinary charges filed against Police Captain William N. Welch, Administrative Bureau, Support Services, was called it having been continued from the Special Meeting of October 22, 1990.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

The following witness was called by the Defense, having previously been sworn continued his testimony:

Assistant District Attorney Peter Aviles,
District Attorney's Special Operations

The following exhibits were entered into evidence by the Defense:

Exhibit I Various documents provided by the Department to Mr. Bookin in preparation of the Department's PIP file, as per General Order P-14

Exhibit J 3'x3' Diagram titled "Adverse Comments", Section 3305, Government Code

At this time Mr. James Lassart made a motion to dismiss charges on behalf of Sergeant James B. Hall.

Mr. James Collins made a motion to dismiss charges on behalf of Lieutenant Thomas J. Lang.

Mr. Stephen Whitmore made a motion to dismiss charges on behalf of Captain William N. Welch.

All motions were denied by the Police Commission.

The following witness was called by the Defense, was sworn and testified:

Mr. John Jordan, Retired Deputy Chief

The following exhibit was entered into evidence by the Prosecution:

Exhibit #7 Copy of letter from Grand Jury to Police Commission, 7/19/89

DOCUMENTS DEPT.
JAN 2 8 19
SAN FRANCISCO
PUBLIC LIBRARY

The hearing was then adjourned to be continued at the meeting on Wednesday, November 28, 1990 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Captain Welch:

4:22 p.m. to 4:34 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF LIEUTENANT THOMAS J. LANG, NORTHERN STATION

The hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Northern Station, was called it having been continued from the Special Meeting of October 22, 1990.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hll.

The following witness was called by the Defense, having previously been sworn contined his testimony:

Assistant District Attorney Peter Aviles,
District Attorney's Special Operations

The following exhibits were entered into evidence by the Defense:

Exhibit I Various documents provided by the Department to Mr. Bookin in preparation of the Department's PIP file, as per General Order P-14

Exhibit J 3'x3' Diagram titled "Adverse Comments", Section 3305, Government Code

At this time Mr. James Lassart made a motion to dismiss charges on behalf of Sergeant James B. Hall.

Mr. James Collins made a motion to dismiss charges on behalf of Lieutenant Thomas J. Lang.

Mr. Stephen Whitmore made a motion to dismiss charges on behalf of Captain William N. Welch.

Mr. Stephen Whitmore made a motion to dismiss charges on behalf of Captain William N. Welch.

All motions were denied by the Police Commission.

The following witness was called by the Defense, was sworn and testified:

Mr. John Jordan, Retired Deputy Chief

The following exhibit was entered into evidence by the Prosecution:

Exhibit #7 Copy of letter from Grand Jury to Police Commission, 7/19/89

The hearing was then adjourned to be continued at the meeting on Wednesday, November 28, 1990 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Lieutenant Lang:

4:22 p.m. to 4:34 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF SERGEANT JAMES B. HALL, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

The hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Field Operations Bureau, Headquarters Company, was called it having been continued from the Special Meeting of October 22, 1990.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

The following witness was called by the Defense, having previously been sworn continued his testimony:

Assistant District Attorney Peter Aviles,
District Attorney's Special Operations

The following exhibits were entered into evidence by the Defense:

Exhibit I Various documents provided by the Department to Mr. Bookin in preparation of the Department's PIP file, as per General Order P-14

Exhibit J 3'x3' Diagram titled "Adverse Comments", Section 3305, Government Code

At this time Mr. James Lassart made a motion to dismiss charges on behalf of Sergeant James B. Hall.

Mr. James Collins made a motion to dismiss charges on behalf of Lieutenant Thomas J. Lang.

Mr. Stephen Whitmore made a motion to dismiss charges on behalf of Captain William N. Welch.

All motions were denied by the Police Commission.

The following witness was called by the Defense, was sworn and testified:

Mr. John Jordan, Retired Deputy Chief

The following exhibit was entered into evidence by the Prosecution:

Exhibit #7 Copy of letter from Grand Jury to Police Commission, 7/19/89

The hearing was then adjourned to be continued at the meeting on Wednesday, November 28, 1990 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Sergeant Hall:

4:22 p.m. to 4:34 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, adjourned at 6:00 p.m..

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/6019M

45
2
14/90

MINUTES

NOVEMBER 14, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco held their Regular Meeting at Francisco Middle School, 2190 Powell Street at 6:00 p.m..

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Commissioner Keker greeted the audience at tonight's meeting and gave them a brief overview of the duties and responsibilities of the San Francisco Police Commission. He then introduced the top Administrative Staff: Chief of Police Frank Jordan, Assistant Chief Willis Casey, and then the Administrative Staff of the Office of Citizen Complaints Director Michael Langer and Chief Investigator Eileen Luna. He said the agenda entails having a regular Police Commission Meeting, and early on a Chief's report to the Police Commission and even earlier Public Comments. He said the Public Comments section, especially in the neighborhoods, has turned out to be a great opportunity for the Commission to hear what the community's concerns, complaints and/or praise may be, if anyone has those to make. He said at the end of the Public Comment session, the Commission will hold further Police Commission business, with regard to Public Hearings and vote on the Intelligence Policy, which if people desire to stay for, they will learn a rather complicated, legally and otherwise, policy that the Commission has been working with for some time.

DOCUMENTS DEPT.

JAN 28 1991

SAN FRANCISCO PUBLIC LIBRARY

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 26, 1990

Approval of Minutes of Meeting of September 26, 1990, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

(a) MOTION ON CALENDARING OF NEW MATTERS

None.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan greeted the audience and said that he was very pleased to be here tonight as well and that this is his last Police Commission Meeting but he thinks it is a very appropriate one because it is a community meeting. He said this is something that he very much supports and believes in and sees it as an inner-action in a very positive way. He said he sees this as a tremendous partnership as he always has and he commends those persons who did turn out tonight as this is a good turnout and he and the Commissioners welcome their participation. He said he would also state that he was glad not only to see the Commanding Officers here but for the first time at a District Station meeting he sees three of the Platoon Commanders. He said he was also happy to see some of the officers who are out on patrol and

officer who patrol this district also present so that all may be spoken to first hand as well as some of the public's interest is brought forth tonight.

Commissioner Keker said Chief Jordan has been a San Francisco Police Officer for 33 years. He has been Chief, greatly respected, a much loved Chief during very difficult times for the past 5 years and has suffered through many Commission meetings and he (Commissioner Keker) would like to give him a hand at his last Commission Meeting. Commissioner Keker told him that they will miss him a great deal.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer then described the duties and function of the Office of Citizen Complaints.

CAPTAIN JAMES ARNOLD, COMMANDING OFFICER, CENTRAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Captain James Arnold, commanding the Central District, pointed out the boundaries and areas of the district that are under his command. He said the district is staffed by himself, four lieutenants, 15 sergeants, and 110 police officers. He said 10 of the officers are newly arrived trainees as Central Station is now a Field Training Station. He said in 10 weeks on successful completion of this training program, they will be re-assigned to their permanent stations. He then gave an overview of the challenges they are facing in different parts of the districts and the strategies employed to deal with those challenges. In winding down his presentation he said it is amazing that they are able to do as much as they can do especially when considering the fact that they respond to 300 special events a year. He said these are visits from Heads of State, marches, athletic events, demonstrations, the many concerts that they have in the district, live ins, be ins, doings that occur on a daily basis and he thinks the officers do a great job and he thanked everyone for coming and said he would answer whatever they may have during public discussion.

At this time a presentation was made to Chief Jordan. Community Services and SAFE representatives said they wanted to extend their deepest gratitude for all of the support he has given them over the years, from "jump street", and in fact he started the program many years ago. The speaker said the Chief has helped them to sustain their enthusiasm and has been a wonderful support for them and as a mere token of their appreciation, they offer their support for whatever he decides to do and they would like to give him this gift. (HISTORIC PHOTO ALBUM OF INCEPTION OF SAFE) Pat Moro, SAFE, said the Chief represents the range of what the partnership that he has articulated earlier so well. She said they look forward to his continuing to define and articulate what the partnership means from another side of the table, maybe, with the knowledge and experience that he has gained during his years as Chief. She said to him it has been a pleasure to know him.

PUBLIC COMMENTS

Speakers are:

Betty Manguall, President of the Alexander Tenants Association, North of Market Planning Coalition, SAFE and Sober Streets, and the Mayor's Tenderloin Task Force.

Lydia Owen, Attorney with the law firm of Lilic and Charles, #2 Embarcadero Center.

Bill Langfeld, resident of the neighborhood

Terry Hogan, resident of the Tenderloin, member of Alexander Tenants Association, North America Planning Coalition, SAFE and Sober Streets.

Edward Evans, President of the Marelton Manner Tenants Association

Paula Derummin, resident of the Alexander Residents Tenant Association

Adam Sparks, Merchant in the Tenderloin

Paul Boshetti, Owner of the Hotel Varona

Lill Barnes, Property Manager in the Tenderloin

Robert Ravellas, resident of the neighborhood

Jean Brooks, Executive Director of St. Anthony's

Matthew Spann, representing the Tenderloin

Lyle Davis, said he was another longtime resident of the neighborhood

Dan Moriarity, said he was a North Beach resident and lived a block away

Luciano Repetto, current president of the North Beach Chamber of Commerce

June Crafts, Chairman of the Community Relations Committee at Central Station

Katherine Donnelly, resident of Telegraph Hill and a member of the Board of the Telegraph Hill Dwellers Association and also a member of the Police Community Relations of the Central Station.

Dorothy Boraki, resident of the North Beach

Bruno Viscovi, owner and operator of a restaurant named Avonna

Walt Gamm, resident of the Tenderloin

Tom Field, owner of the San Remo Hotel

Tom Haybee, resident of neighborhood

As there were no other speakers under Public Comments, Commissioner Giraudo thanked everyone for attending and for their comments and opinions.

Don Hess of the Human Rights Commission submitted a letter to the Commission the purpose of which, he stated, is that they are asking that the Commission establish a written policy on the proper standards for enforcement of Penal Code Section 647(i). He said they would like to have this calendared for the meeting of December 5th, but he understands that the Commission's calendar is very full on that night. He said this was brought to the Human Rights Commission's (HRC) attention by the Coalition on Homeliness. He said it is their contention, and the HRC agrees, that apparently no written policy exist and the result of that is that there appears to be an uneven application of the law. A desparity of treatment of people based on their appearance.

Commissioner Giraudo advised him that the earliest it could be calendared would be December 12th and Mr. Hess should arrange to get together with Assistant Chief Casey to define the issues and what it is he is looking for and if there is some policy that can be brought to the Commission as a whole or if there is disagreement then it would be brough to them and they, as a Commission, could hear both sides of the issue. The matter was then set for December 12th.

PUBLIC HEARING ON:

(a) PROPOSED GENERAL ORDER ON "STANDARDS AND PROCEDURES FOR FIRST AMENDMENT ACTIVITIES"

(b) PROPOSED SAN FRANCISCO POLICE DEPARTMENT CIVIL DISTURBANCE SECTION GUIDELINES

(c) PROPOSED FIELD OPERATIONS BUREAU GENERAL ORDER NO. 90-01, "DEPARTMENT POLICY ON POLITICAL DEMONSTRATIONS"

Commissioner Giraudo said that at the last meeting the Commission was prepared to take a vote and he asked for some time to consider and re-read the documents that had been presented which he has done and he is willing to either entertain motions or discussion this evening by the Commission with respect to the issues. Commissioner Craig said that also at the last meeting the issue of the transition period came up and the the continuance was to give the Commission time to also have a chance to discuss that aspect of this matter as well.

Discussion was held on the issues between the Committee who had met over several months to develop all of the items in questions and the Commissioners. Commissioner Campana proposed several amendments along with the Deputy City Attorney Mara Rosales.

After discussing the issues, Commissioner Craig made a motion to adopt item 9, a through c, with the revisions suggested in the memo from the City Attorney's Office dated October 22nd and in a letter from John Crew to Willis Casey dated October 19th and with the language that Commissioner Campana has suggested in reference to Sanctions, in particular, where it is applicable to civilians but to include Off Duty Officers as well and to also include a sunset clause that states that after 1 year this policy will cease to exist and that it be calendared 11 months from this date, October of 1991. The motion was seconded and unanimously approved. After listening to Ms. Rosales, Deputy City Attorney and Mr. John Crew in regard to the Transition Policy issue, Commissioner Keker made a motion that the Commission adopt the Transition Policy as is with an amendment to exclude cases pending in the City Attorney's Office and that the Commission ask the City Attorney's Office to report to the Commission in a month on what impact this policy would have if it applied to cases in their office and if they can't tell the Commission what the exception is then there would no longer be an exception. Commissioner Lee seconded this motion and it was unanimously approved. It was then decided that the Transition Policy issue would be calendared for January 9, 1991.

The issue of hiring an independent auditor was discussed and Assistant Chief Casey said the Commission already has the power to bring an auditor in and it doesn't have to be written out for them. He said if the task becomes too much for the Commission, the Commission already has the authority to appoint an auditor. It was also pointed out that an Independent Review Committee did not have to be discussed tonight unless it was the desire of the Commission. That aside, Commissioner Keker said he would like to thank all of the members of the Committee, Assistant Chief Casey, Mr. Crew and

everybody else who worked so hard on this, and Ms. Rosales who spent a lot of time reviewing it and helping the Commission for putting together a very, very complicated problem in coming up with what he hopes is a good solution. Commissioner Craig said she would like to second that as the Commission is once again the beneficiary of the work of concerned citizens and those members of the department who put forth extra time to this and the Commission greatly appreciates it.

RESOLUTION NO. 692-90

PUBLIC HEARING ON PROPOSED GENERAL ORDER ON "STANDARDS AND PROCEDURES FOR FIRST AMENDMENT ACTIVITIES"

RESOLVED, that the Police Commission hereby approves the Proposed General Order on "Standards and Procedures for First Amendment Activities" as amended.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 693-90

PUBLIC HEARING ON PROPOSED SAN FRANCISCO POLICE DEPARTMENT CIVIL DISTURBANCE SECTION GUIDELINES

RESOLVED, that the Police Commission hereby approves the Proposed San Francisco Police Department Civil Disturbance Section Guidelines as amended with sunset clause that states that after one (1) year this policy will cease to exist.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 694-90

PROPOSED FIELD OPERATIONS BUREAU GENERAL ORDER NO. 90-01, "DEPARTMENT POLICY ON POLITICAL DEMONSTRATIONS"

RESOLVED, that the Police Commission hereby approves the Proposed Field Operations Bureau General Order No. 90-01, "Department Policy on Political Demonstrations" as amended.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Commissioner Giraudo said that he would like to ask for a moment of silence in memory on the anniversary of the murder of the six Jesuit Priests who were murdered in El Salvador.

The meeting, thereafter, was adjourned at 9:28 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5984M

SF
45
2
8/90

MINUTES

NOVEMBER 28, 1990 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, November 28, 1990 at 3:30 p.m. in Closed Session.

1. Attorney-Client Conference
   Officers for Justice vs. CCSF
   Huerta vs. CCSF
   Dora and Martin Quirke vs. CCSF
   Bing Hing Ko, et al vs. CCSF

2. Personnel Matter

DOCUMENTS DEPT.
JAN 28 19
SAN FRANCISCO
PUBLIC LIBRARY

NOVEMBER 28, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, November 28, 1990 at 4:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF OCTOBER 3, 1990

Approval of Minutes of Meeting of October 3, 1990, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 699-90

DORA AND MARTIN QUIRKE, et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment awarded to Dora and Martin Quirke in the total amount of $108,419.05 (cost included) in San Francisco Superior Court No. 914-918 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 5, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 700-90

BING HING KO, et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bing Hing Ko and Sam Kam Chan Ko in the total sum of $11,500.00 in Superior Court No. 864-198 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 19, 1986

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 701-90

ADNAN KAYED vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Adnan Kayed in the sum of $1,250.00 in Municipal Court No. 014-23 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 16, 1987

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session on a litigation matter and on a Personnel Matter and no votes were taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Willis Casey said that tomorrow he would like to appoint Commander Thomas Murphy to the rank of Deputy Chief in charge of Field Operations. He said they have scheduled a swearing-in ceremony for 10:00 a.m., should the Commission approve.

Commissioner Keker said he thinks that is an excellent choice and the Commission is looking forward to Commander Murphy serving as a Deputy Chief in that position.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, OCC Director said he had two brief items to announce. He then passed out a press release which stated that the OCC hired Senior Staff Attorney in the OCC Management Team. He said she is expected to join the staff by January 7, 1991. He then gave a brief outline of what her duties will be and then thanked his staff and the Commission for its assistance in making this selection.

He said the second item is that once again their statistical report for the month of October is completed on time four weeks after the end of the month and he passed those out to the Commissioners also. He said next week arrangements have been made to schedule the OCC Goals and the OCC's last policy recommendation which is on the Department's Use of Force General Order.

PUBLIC COMMENTS

Mr. Keith McHenry welcomed Chief of Police Willis Casey and said he hoped that the working relationship between the police protestors, food servers and homeless people will go much smoother now as a result of this change.

RESOLUTION NO. 695-90

SETTING OF DATE FOR HEARING OF OFFICER STEVEN J. RAVELLA, NORTHERN STATION

WHEREAS, the setting of date for the hearing of disciplinary charges filed against Police Officer Steven J. Ravella, Northern Station, was called it having been set for this date; and

WHEREAS, it was requested by the Police Commission that the hearing of Officer Steven J. Ravella be set for December 5, 1990; therefore be it

RESOLVED, that the hearing of disciplinary charges filed against Officer Steven J. Ravella is set for Wednesday, December 5, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 696-90

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE APPEAL OF CHIEF'S SUSPENSION IMPOSED ON INSPECTOR THOMAS G. PARISI, GENERAL WORKS SECTION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the appeal of Chief's suspension imposed on Police Inspector Thomas G. Parisi, General Works Section, was called it having been set for this date; and

WHEREAS, Commissioner Pius Lee is hereby assigned to conduct taking of evidence in the appeal of the Chief's suspension imposed on Inspector Parisi; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Lee in the appeal of the Chief's suspension imposed on Inspector Thomas G. Parisi is set for Monday, January 14, 1991 at 10:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 697-90

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST INSPECTOR ALEX E. FAGAN, INVESTIGATIONS BUREAU

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Inspector Alex E. Fagan, Investigations Bureau, was called it having been set for this date; and

WHEREAS, it was requested by the Police Commission that the disciplinary charges against Inspector Fagan be heard before the Commission on December 12, 1990; therefore be it

RESOLVED, that the disciplinary charges against Inspector Alex E. Fagan is set for Wednesday, December 12, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 702-90

DECISION IN THE DISCIPLINARY CHARGES FILED AGAINST OFFICER LOUIS A. CASSANEGO, INGLESIDE STATION

WHEREAS, the date for the decision in the disciplinary charges filed against Police Officer Louis A. Cassanego, Ingleside Station, was called it having been continued from the meeting of October 24, 1990;

WHEREAS, it was requested by the Police Commission that the decision in the disciplinary charges filed against Officer Cassanego be continued to December 5, 1990; therefore be it

RESOLVED, that the decision in the disciplinary charges filed against Officer Louis A. Cassanego is continued to Wednesday, December 5, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 703-90

DECISION IN THE DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL MAXWELL, POTRERO STATION

WHEREAS, the date for the decision in the disciplinary charges filed against Police Officer Michael Maxwell, Potrero Station, was called it having been continued from the meeting of October 24, 1990;

WHEREAS, it was requested by the Police Commission that the decision in the disciplinary charges filed against Officer Maxwell be continued to December 5, 1990; therefore be it

RESOLVED, that the decision in the disciplinary charges filed against Officer Michael Maxwell is continued to Wednesday, December 5, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

STATUS REPORT ON POLICE OFFICER DENIS P. JOYCE, NORTHERN STATION

Mr. Jerry Akins, Department Attorney, said that Officer Joyce is now in compliance with the Police Commission's last order.

Commissioner Giraudo said that since Officer Joyce is in compliance he did not need to come to the Commission tonight and should be so notified. In regard to Officer Joyce's overall goal before the Commission, Commissioner Keker said he would suggest that Mr. Akins speak with the Officer and figure out an appropriate date to come back with a further status report and then come back with a date for it to be calendared. Commissioner Giraudo said the Department should now re-institute a program and place Officer Joyce on the program rather than bringing him before the Commission. He said this should be done with the Police Surgeon's involvement.

RESOLUTION NO. 698-90

STATUS REPORT ON OFFICER DENIS P. JOYCE, NORTHERN STATION

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Denis P. Joyce, Northern Station, was called it having been set for this date; and

WHEREAS, Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, reported that Officer Joyce is now in compliance with the Commission's last order of October 17, 1990, Resolution No. 681-90; therefore be it

RESOLVED, it is the decision of the Commission that the Department should now reinstitute a program and place Officer Joyce on the program with the Police Surgeon's involvement, rather than bringing him before the Commission.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

HEARING OF CAPTAIN WILLIAM N. WELCH, ADMINISTRATIVE BUREAU, SUPPORT SERVICES

The hearing of the disciplinary charges filed against Police Captain William N. Welch, Administrative Bureau, Support Services, was called it having been continued from the Special Meeting of November 19, 1990.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

The following witnesses were called by the Defense, were sworn and testified:

Public Defender Jeffrey Brown, 555 - 7th Street
Lieutenant Gary Pisciotto, Staff Inspection
Sergeant John Kelly, Police Academy

The following exhibits were entered into evidence by the Defense:

Exhibit K — Memo from Lt. Pisciotto to Assistant Chief Willis Casey, Chief of Staff, Subject: Performance Improvement Program (PIP), 5/15/90

Exhibit K-1 — PIP Northern Station Staff Inspection Report

Exhibit L — Original charges against Sgt. Hall moved into evidence

Exhibit M — MCD Investigative File of the Welch, Lang, Hall case

Exhibit N — Memo from Lt. Pisciotto to Members of the PIP Committee, Subject: PIP Committee Meeting, dated 3/30/90

The following exhibit was entered into evidence by the Prosecution:

Exhibit #8 — MCD Case #A 112-88/89

The following exhibit was once again confirmed as evidence by the Prosecution:

Exhibit #6 — Memo from Sgt. Wilmerding, Management Control Division, to Lt. Gary Pisciotto, 9/15/88, Subject: Review of TV Video Tapes (This exhibit was erroneously marked Exhibit #5 in letter dated October 29, 1990 on hearing of October 22, 1990)

The hearing was then adjourned to be continued to a Special Meeting on Thursday, December 13, 1990 at 6:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Captain Welch:

6:45 p.m. to 6:55 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF LIEUTENANT THOMAS J. LANG, NORTHERN STATION

The hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Northern Station, was called it having been continued from the Special Meeting of November 19, 1990.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

The following witnesses were called by the Defense, were sworn and testified:

Public Defender Jeffrey Brown, 555 - 7th Street
Lieutenant Gary Pisciotto, Staff Inspection
Sergeant John Kelly, Police Academy

The following exhibits were entered into evidence by the Defense:

Exhibit K	Memo from Lt. Pisciotto to Assistant Chief Willis Casey, Chief of Staff, Subject: Performance Improvement Program (PIP), 5/15/90
Exhibit K-1	PIP Northern Station Staff Inspection Report
Exhibit L	Original charges against Sgt. Hall moved into evidence
Exhibit M	MCD Investigative File of the Welch, Lang, Hall case
Exhibit N	Memo from Lt. Pisciotto to Members of the PIP Committee, Subject: PIP Committee Meeting, dated 3/30/90

The following exhibit was entered into evidence by the Prosecution:

Exhibit #8	MCD Case #A 112-88/89

The following exhibit was once again confirmed as evidence by the Prosecution:

Exhibit #6	Memo from Sgt. Wilmerding, Management Control Division, to Lt. Gary Pisciotto, 9/15/88, Subject: Review of TV Video Tapes (This exhibit was erroneously marked Exhibit #5 in letter dated October 29, 1990 on hearing of October 22, 1990)

The hearing was then adjourned to be continued to a Special Meeting on Thursday, December 13, 1990 at 6:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Lieutenant Lang:

6:45 p.m. to 6:55 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF SERGEANT JAMES B. HALL, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

The hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Field Operations Bureau, Headquarters Company, was called it having been continued from the Special Meeting of November 19, 1990.

Mr. Daniel H. Bookin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore, Attorney at Law, appeared on behalf of Captain William N. Welch.

Mr. James Collins, Attorney at Law, appeared on behalf of Lieutenant Thomas J. Lang.

Mr. James Lassart, Attorney at Law, appeared on behalf of Sergeant James B. Hall.

The following witnesses were called by the Defense, were sworn and testified:

Public Defender Jeffrey Brown, 555 - 7th Street
Lieutenant Gary Pisciotto, Staff Inspection
Sergeant John Kelly, Police Academy

The following exhibits were entered into evidence by the Defense:

Exhibit K	Memo from Lt. Pisciotto to Assistant Chief Willis Casey, Chief of Staff, Subject: Performance Improvement Program (PIP), 5/15/90
Exhibit K-1	PIP Northern Station Staff Inspection Report
Exhibit L	Original charges against Sgt. Hall moved into evidence
Exhibit M	MCD Investigative File of the Welch, Lang, Hall case
Exhibit N	Memo from Lt. Pisciotto to Members of the PIP Committee, Subject: PIP Committee Meeting, dated 3/30/90

The following exhibit was entered into evidence by the Prosecution:

Exhibit #8	MCD Case #A 112-88/89

The following exhibit was once again confirmed as evidence by the Prosecution:

Exhibit #6	Memo from Sgt. Wilmerding, Management Control Division, to Lt. Gary Pisciotto, 9/15/88, Subject: Review of TV Video Tapes (This exhibit was erroneously marked Exhibit #5 in letter dated October 29, 1990 on hearing of October 22, 1990)

The hearing was then adjourned to be continued to a Special Meeting on Thursday, December 13, 1990 at 6:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Recess taken during the hearing of Sergeant Hall:

6:45 p.m. to 6:55 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 9:00 p.m. in memomy of Retired Sergeant of Police Eddie Liggins.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/6021M

MINUTES

DECEMBER 5, 1990 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, December 5, 1990 at 4:30 p.m. in Closed Session.

Attorney-Client Conference

1. Huerta vs. CCSF (83-3390)
2. Hartford Insurance Co., intervenor, vs. CCSF, Leola Gardner vs. CCSF
3. Kelvin Yee vs. CCSF

DOCUMENTS DEPT.

JAN 2 8 1991

SAN FRANCISCO PUBLIC LIBRARY

DECEMBER 5, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, December 5, 1990 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF OCTOBER 10, 1990

Approval of Minutes of Meeting of October 10, 1990, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 715-90

REMOVAL OF APPLICANT THOMAS KRIEPE FROM THE TAXICAB MEDALLION LIST

WHEREAS, the request of the Chief of Police for removal of applicant Thomas Kreipe from the taxicab medallion list was called, it having been set for this date; and

WHEREAS, the Taxicab Section made efforts to locate Mr. Thomas Kriepe, the next person eligible for a taxicab medallion, but without success; therefore be it

RESOLVED, it is the findings and decision of the Commission that Mr. Kriepe's name be removed from the waiting list of taxicab applicants.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 716-90

TAXICAB PERMIT APPLICATION OF WILLIAM ROHRIG

WHEREAS, the San Francisco Police Commission pursuant to its authority under Article 16 of the Municipal Police Code appointed a Hearing Officer who conducted hearings from June 11, 1990 through June 18, 1990, regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission

finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, December 5, 1990, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that William Rohrig, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to William Rohrig.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 717-90

TAXICAB PERMIT APPLICATION OF JAMES T. HALL

WHEREAS, the San Francisco Police Commission pursuant to its authority under Article 16 of the Municipal Police Code appointed a Hearing Officer who conducted hearings from June 11, 1990 through June 18, 1990, regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, December 5, 1990, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that James T. Hall, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to James T. Hall.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 718-90

TAXICAB PERMIT APPLICATION OF BERNARD SERONICK

WHEREAS, the San Francisco Police Commission pursuant to its authority under Article 16 of the Municipal Police Code appointed a Hearing Officer who conducted hearings from June 11, 1990 through June 18, 1990, regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, December 5, 1990, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Bernard Seronick, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Bernard Seronick.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 719-90

HARTFORD INSURANCE CO., INTERVENOR, vs. CCSF, LEOLA GARDNER vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hartford Insurance Co., intervenor, vs. CCSF, Leola Gardner vs. CCSF in the total sum of $18,500.00 in Superior Court No. 833-652 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 15, 1984

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 720-90

KELVIN YEE vs. CCSF, et al

RESOLVED, that the judgment made by the City Attorney for the claim of Kelvin Yee entitled "Kelvin Yee vs. City and County of San Francisco, et al" in the sum of $8,213.50 in Superior Court No. 851-336 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 9, 1985

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Willis Casey said as part of his report tonight he would like to submit a proposal concerning the Department's Disciplinary System as a first step in the streamlining and revamping of the process which he has discussed in the past. He said what he would like to do is establish a program to insure that sustained allegations of specific

officer misconduct will, after proper investigation and review, be presented to the Police Commission and that every segment of the SF Community and every Police Officer in the Department will know before hand exactly what type of misconduct will result in a specific disciplinary action from his office. He said what he means to do is to establish a program whereby everyone will know what type of offense will come before the Police Commission. He said the officers will know and the public will know. He said examples of cases that shall, in every case be sent to the Commission, would be cases involving the death or serious injury of a citizen as a result of an officer's alleged misconduct, negligence or policy violation in the use of firearms, force, or emergency vehicle operation. He said secondly, any serious deprivation of a citizen's Fourth Amendment Rights such as illegal search and seizure, false arrest or illegal detention. Third, he said, violation of the Department's Crowd Control Policy in which there is a significant deprivation of citizen's First Amendment Rights. Fourth, he said, harassment or attempted intimidation of any complainant witness or OCC employee after a complaint has been filed with that agency or the Management Control Division. Fifth, any serious violation of the Department's Anti-Discrimination and Harassment Policies, i.e. General Order D-17. Sixth, any misuse by a member of his or her official position as a police officer, for example, the soliciting or accepting bribes, using intimidation to obtain position or status not normally available to the general public. Seventh, any on-duty or off-duty arrest by an officer. Eighth, violations of the Department's Drug Use Policies. Ninth, feigning an on-duty injury or filing a false industrial disability claim. He said finally in an on-going effort to establish the credibility and autonomy of the Office of Citizen Complaints the Department will forward to the Commission all cases in which the Director of the OCC has signed a verified complaint in response to any disagreement of investigative findings between the Department and the OCC. He said as Chief he would offer specific and uniform recommendations for discipline in these cases at the request of the Commission, taking into account the Officer's job performance and complaint history and exercising a policy of progressive discipline. He said the Commission can anticipate that a Department General Order establishing these procedures and policies will be forth coming. He said it will then be left to the Commission to decide how it fits into the Commission's own rules. He said so basically what he is proposing is to have the Department come up with a General Order that will very specifically outline this new disciplinary process in the San Francisco Police Department.

Commissioner Keker advised the Chief that this effort is exactly in the direction that the Administration needs to be going. He said in drafting the General Order, the Department needs to be as specific as possible in its definitions avoiding the use of the word like serious because he has a concern about good faith disagreements between the Department and members of the public over whether or not a particular violation fits into the policy or didn't fit in the policy which will lead to huge criticism in hearings.

Chief Casey acknowledged this and said the Commission can look forward to seeing the policy in General Order form for public hearing in about two months.

POLICE COMMISSION REPORT

Commissioner Keker announced that the Commission has held Executive Sessions on Litigation Matters this past Saturday and again today and no votes were taken.

(b) PUBLIC COMMENTS

Lydia Owen, attorney with he law firm of Bullock and Charles, said she spoke to the Commission at its North Beach meeting and complained about a complaint that OCC appeared to be doing nothing about, but she is now happy to report that a day after the meeting the OCC has now gotten the investigation back into full swing and the officers involved has now been identified. She hopes to receive and report to the Commission of positive results real soon.

Edgar Gardard, said he was directing his comments to Commissioner Gwenn Craig who spoke at the rally after the Harvey Milk Memorial March. He said the Commissioner referred to herself as a member of the Gay and Lesbian Community, by using pronouns such as us, we and our, and he was surprised to hear this and the reason is that she seems to be offering a lot of resistance to disciplining police officers after they commit queer bashing such as the bashings that occurred on October 6, 1989 in the Castro. He said if she is going to have a political career in San Francisco she should not only court the Police Commission but she should court ACT-UP and Queer Nation and the Gay Community.

Louise Guitterez said she really felt she had to come tonight to make some comments about some quotes attributed to Commissioner Giraudo and to a lesser extent, Chief Casey in Monday's Examiner. She said Commissioner Giraudo attributed a lot of the current problems in the Police Department to new comers and adding to the discomfort that the police force now feels with racial minorities gays, liberals and so on. She said she feels that those are very dangerous comments and can establish an atmosphere of "them against us" and those kinds of attitudes from high police officials can translate into injustices and physical danger to the public. She said and the public does include the new comers, it included the racial minorities and it includes the gays, people that she is really glad to have in her city.

Gerard Koskovich said he is delighted to hear that Chief Casey is taking such a forth right and thoughful and careful tone in his comments and he found the Chief's remarks tonight were very promising and bode very much better for a less troublesome future for the San Francisco Police Department.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer said he had nothing other than the regularly calendared items.

THIRD QUARTERLY REPORT OF 1990 OCC GOALS SET BY THE MAYOR

Two weeks ago he sent the Commission a cover letter which included the Five Goals set by Mayor Agnos as well as the strategies that were developed by the Management Team of the OCC over the past

summer and what progress they have obtained pursuant to the time lines that were set for each one of those goals. He then briefly addressed the Commission on each one of the goals and pointed out the OCC'a accomplishments to those goals.

After further discussion, Commissioner Campana said that for the next quarterly report that Mr. Langer prepares he would personally like to see some things in it that would say what the group of accomplishments are going to be so in reporting on these goals and objectives that he has completed it would be nice to see another plan like the one that he came up with six months ago. He said Mr. Langer should now commence thinking about what that plan should be and incorporate that into the next report.

PUBLIC HEARING ON OCC POLICY RECOMMENDATION: GENERAL ORDER NO. F-4, "USE OF FORCE"

Mr. John Parker of the OCC said the OCC is requesting the development of the Supervisor's Use of Force Report. He said they believe such a report is necessary because of a large number of deficiencies observed under the current system. He said they believe reporting these incidents accurately requires placement of such a report at the Supervisory Level. He said adopting their proposal will accomplish the following: "It will create an on-the-spot supervisory investigation into circumstances of certain categories of force applied as per General Order F-4. It will create a comprehensive record of those circumstances from the supervisor. It will insure against insufficient information in the Field Officer's Incident Report and this would tend to place some pressure on reporting officers to upgrade the reporting procedures. It will tend to create a set of files at the station level and at Management Control and create a far better accounting of the use of force and can replace the current use of force log and the better accounting will result in less questionable incidents which can then result in a downward trend of litigation as a result of use of force cases.

Ms. Ilene Luna of the OCC then explained the OCC's statistical study and said she pulled the 293's, the OCC complaint forms, for the months of April through August and checked the use of force logs to see whether the allegations of unnecessary force made in their office had in fact shown up on the use of force logs. She then pointed out the areas and columns of her report where the use of force was reflected and in those areas where it wasn't. In winding up her presentation she said that if you take 104 allegations of unnecessary force and you wind up with 27 percent where the reporting didn't occur when it should have, then you should do something to correct it. She said Lt. Pisciotto was here to give the Police Department's results of its study.

Lt. Pisciotto said his study was much simpler and they used the Use of Force Forms that were completed from April through August of 1990. He said there were 179 Use of Force reports that were sent to Management Control. He said included among those 179 reports were 217 actual types of force used and a reason there is a discrepancy between those two numbers is that sometimes there is an escalation of force used and that would be explained in the reports. He said they included all of the

various types of force, the physical force, the carotid restraint, the baton flashlight, mace, weapon and several unknowns. He said of all of the reports only 4 did not describe the actual type of force used and in that manner they were in violation of the Department's current General Order F-4. He said the Department feels that the recommendations by the OCC are not necessary because of its current General Orders F-4 and L-1 and in addition if reports are properly filled out much of the information they are asking will be in those reports.

Lt. Don Carlson, Management Control Division, also made a presentation and said OCC has put in a lot of time and effort into something where the process already exist. He said all use of force logs on this issue are in the computer and are up to date and where there is a problem it is a person problem, not a paper problem. Mr. Parker of the OCC said he didn't believe you could count on getting a full story from the report writers as all report writers, often times will not write a fair and impartial report. Chief Casey said in some of the discussion made early on, of where a similar system as suggested by OCC is working, is just across the bay in Oakland. He said so what he proposes to do is to send Lt. Pisciotto over to the Oakland Police Department to see what they are doing in this regard over there.

Commissioner Keker said as soon as that is done by Lt. Pisciotto then maybe the Lieutenant and Mr. Parker of OCC could possibly get together and come up with some suggestions based on the information Lt. Pisciotto will have received. Sergeant Steve Johnson of the SFPOA said that to adopt the OCC policy would call for another 100 to 200 supervisory jobs in the position of Sergeant. He said however, basically he thinks it is just a needless duplication of effort which has already been started, and he for one would not like to see the OCC having to do any more work since they are already 507 cases behind. He said he feels that the report that the OCC would like to see would require a sergeant or supervisory officer to conduct and administrative investigation which means that one has to make sure that officer has his/her rights understood and to see if that officer wants to have a representative present because the investigation may lead to further disciplinary charges down the road and that protecting is provided for by the Peace Officer's Bill of Rights.

Mr. John Crew said he just wanted to state that regardless of whether or not the Commission accepts the OCC's recommendation for a supervisory investigation it will not catch entirely the people that have been identified here by the study of both the OCC and the Department. He said the question is what message is being sent. He said he is not saying that these officers should be fired but he is saying that to get their attention it may be necessary to reprimand them once in a while or at least to put them on notice that the Commission and Department expect a better performance rate than they have shown. The matter was subsequently scheduled for rehearing again on January 9, 1991.

PUBLIC HEARING ON RESERVE POLICE OFFICERS AND THE CADET PROGRAM

Lieutenant Ryan of Personnel made a brief report to the Commission on the Reserves and Cadet Programs

and after answering questions in this regard, Commissioner Pius Lee made the following statement saying that he supports the expansion of the Police Reserves and Police Cadet Programs. He said these two programs provide an avenue for civic minded individuals to contribute to the community by providing much needed police support services. He continued by saying that the Department has a continuing problem with its budget wherein it is authorized 1,973 police officers and the Department, as it now stands, has only 1,790 police officers. He said he believes by properly using the two programs to perform police functions at the Hall of Justice and the District Stations that quite possibly this will allow for the provision of more uniform officers on the street above the current level. He said the Police Cadet Program is especially successful because it permits young adults to get a glimpse of the profession and then make the later transition into the Department. He said in a period of just 9 years for 1968 to 1977 over 145 Police Cadets became police officers and 3 rose to the rank of Captain and one to the position of Commander. He said so he believes that if the two programs are reinstituted the Department can move a long way toward reaching its goals and challenges and demands from the community. He said so he would make a motion that the Commission accept the two recommendation that are submitted by the Department. Commissioner Craig said that to be clear about what the Department's recommendation is she asked Lieutenant Ryan to re-state it.

Lieutenant Ryan said as to the effectiveness of the Reserve Program and offsetting the cost, the intent is to open the Reserve Program on a very gradual basis and attract reserves or focus ond attracting reserves who are fully trained at this time and that a study of the feasibility and the cost factors for beginning the Civil Service Cadet Program again be undertaken so that the Department can determine whether or not that in fact would prove to be under the current budgetary standard.

Commissioner Lee said his motion will be as recommended on Page 8 of the Lieutenant's report which states that the Police Department begin accepting Reserve Police applications and agree to increase in the Reserve Program as instituted. Commissioner Craig seconded the motion.

Sergeant Steve Johnson commented on both the report and the motion and said he didn't think the Police Reserve Program would be the answer for shortage of police officers, secondly, he said he believes this is a meet and confer item and the third issue is that a better program would be to combine a Cadet Program along with a lateral transfer or lateral entry program.

Lieutenant Ryan said he would like to add one thing at this time to his recommendation which is in his report. In his recommendation he said he should have also stated that the institution of an 8274 Cadet Program would be a budget issue and since there is no money listed at this time that the Department can consider recommending it in the next budget.

Commissioner Lee's motion, thereafter, was unanimously approved.

RESOLUTION NO. 705-90

PUBLIC HEARING ON RESERVE POLICE OFFICERS AND THE CADET PROGRAM

WHEREAS, Deputy Chief of Administration Lawrence Gurnett made recommendation that the Department begin accepting Reserve applications and a gradual increase in the Reserve Program be instituted; and

WHEREAS, it was also the recommendation that the Civil Service Class 8247 Police Cadet Program be reinstituted in order to free police officers from duties that do not require a police officer; therefore be it

RESOLVED, the Police Commission hereby approves the recommendations.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

REQUEST OF THE OMI NEIGHBORS IN ACTION PARKING AND TRAFFIC TASK FORCE FOR POLICE COMMISSION DISCUSSION AND CONSIDERATION OF SUPPORTING A FUNDING ALLOCATION TO SECURE A RADAR GUN SPECIFICALLY FOR THE USE OF INGLESIDE POLICE DISTRICT

Mr. Bill Thompson, resident of the Ocean Merced Heights Ingleside Terrace Neighborhood, said he was here to address the Commission on this agenda item. He said he and other members were present tonight to ask the Commission to support their effort to have a radar gun currently allocated to Ingleside Station. He said they appealed to former Chief of Police Frank Jordan for a permanent allocation of a radar gun but he was unable to help them. He said they recognize that there are budget considerations but they believe their request makes economic sense and will make cost effective use and cost effective law enforcement.

Comments were then made by Chief Casey and Captain Diarmuid Philpott of Ingleside Station. Commissioner Keker then advised Mr. Thompson that the Commission has on its agenda an item for Public Comments every week. He said he would hope that the Department would look at his situation as there is no policy that the resources go downtown and not to the neighborhoods. He said if they feel they are not getting fair treatment in this regard, come back before the Commission under Public Comments.

Mr. Thompson said that if needed, they would hold a fund raiser and buy their own if that is permissible. Ms. Mara Rosales, Deputy City Attorney, said if they raise the money they can donate it to the Department through the City and County with the requirement that it be used to purchase a radar gun for the use of the Ingleside and that would be the stipulation attached to the gift. She said with that exception it could basically be accepted without going to the Board of Supervisors as it would be under 5,000 dollars.

Thereafter, Mr. Bob Sams, member of OMI, spoke on the subject and said that he lived on Sagamore Street and in the last 90 days they have had at least three deaths out there. He said he has observed individuals running the red lights and have been awakened by screeching tires during the early morning hours. He said so the radar gun is necessary and anything the Commission can do to help would be appreciated.

Mr. Tom Snub also from the OMI said he lived next to the same street and wanted to know if the Department would be willing to subsidize them if they came up short with their fund raising.

RESOLUTION NO. 706-90

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST INSPECTOR PAUL E. PENROSE, INVESTIGATIONS BUREAU, GENERAL WORK SECTION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Inspector Paul E. Penrose, Investigations Bureau, General Work Section, was called it having been set for this date; and

WHEREAS, Commissioner Louis J. Giraudo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Penrose; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Giraudo in the disciplinary charges filed against Inspector Paul E. Penrose is set for Wednesday, January 16, 1991 at 1:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 707-90

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICER MICHAEL A. TOROPOVSKY, MISSION STATION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Officer Michael A. Toropovsky, Mission Station, was called it having been set for this date; and

WHEREAS, Commissioner Gwenn Craig is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Toropovsky; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Craig in the disciplinary charges filed against Officer Michael A. Toropovsky is set for Thursday, January 17, 1991 at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 708-90

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICER CLIFTON A. MATTHEWS, JR., TARAVAL STATION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Officer Clifton A. Matthews, Jr., Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner Edward J. Campana is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Matthews; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Campana in the disciplinary charges filed against Officer Clifton A. Matthews, Jr. is set for Tuesday, January 22, 1991 at 10:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 709-90

SETTING OF DATE FOR DECISION IN THE DISCIPLINARY CHARGES FILED AGAINST OFFICER PAMELA WERMES, INVESTIGATIONS BUREAU, FENCING SECTION

WHEREAS, the setting of date for decision in the disciplinary charges filed against Police Officer Pamela Wermes, Investigations Bureau, Fencing Section, was called it having been set for this date; and

WHEREAS, it was requested by the Police Commission that the date for decision in the disciplinary charges filed against Officer Wermes be set for January 9, 1990; therefore be it

RESOLVED, that the date for decision in the disciplinary charges filed against Officer Pamela Wermes is set for Wednesday, January 9, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 710-90

STATUS REPORT IN THE CHARGES AGAINST CAPTAIN RICHARD J. CAIRNS, INVESTIGATIONS BUREAU

WHEREAS, the status report in the disciplinary charges filed against Captain Richard J. Cairns, Investigations Bureau, was called it having been set for this date; and

WHEREAS, because of proposed filing of amended charges against Police Captain Richard J. Cairns, the Police Commission requested the status report be continued to December 12, 1990; therefore be it

RESOLVED, that the status on proposed filing of amended charges against Police Captain Richard J. Cairns is set for Wednesday, December 12, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 711-90

STATUS ON CHARGES FILED AGAINST INSPECTOR DANIEL J. FERRETTI, BURGLARY SECTION

WHEREAS on July 13, 1990, Frank M. Jordan, Chief of Police of the San Francisco Police Department, prepared and served charges against Police Inspector Daniel J. Ferretti, Burglary Section, as follows:

SPECIFICATION NO. 1

Engaging in conduct which brings discredit on the Department or subverts the good order, discipline or efficiency of the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to prevent crime while off duty (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Engaging in conduct which brings discredit on the Department or subverts the good order, discipline or efficiency of the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to obey the written orders of the Department (a violation of Rule A-10 of General Order D-1 of the San Francisco Police Department);

and

WHEREAS, the Police Commission set Wednesday, December 5, 1990, as the date for a status report on charges filed against Inspector Daniel J. Ferretti; and

WHEREAS, the Chief of Police is in receipt of a letter advising that Inspector Ferretti has been given Industrial Disability Retirement from the San Francisco Police Department to be effective retroactive to August 24, 1990; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Inspector Daniel J. Ferretti, be, and the same are hereby continued off calendar.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

HEARING OF OFFICER LOUIS A. CASSANEGO, INGLESIDE STATION

The decision on the disciplinary charges filed against Police Officer Louis A. Cassanego, Ingleside Station, was called it having been set for this date. Officer Louis A. Cassanego was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which brings discredit on the department. (Violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to answer questions posed by a superior officer truthfully and without evasion. (Violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Louis A. Cassanego appeared in person and was not represented by counsel.

Mr. Jerry Akins made a closing statement for the Prosecution.

All Commissioners present acknowledged reading the transcripts of proceedings on the evidentiary hearing.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 712-90

DECISION - HEARING OF OFFICER LOUIS A. CASSANEGO, INGLESIDE STATION

WHEREAS, on March 28, 1990, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Louis A. Cassanego, and

WHEREAS, the Commission having heard or read the matter, makes the following findings of fact as set forth in the following charges:

CHARGE NO. 1

(1) At all times herein mentioned, Louis A. Cassanego, Star Number 146 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to Ingleside Station;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On November 7, 1989, the accused and his partner, Officer Michael Maxwell, Star No. 856, were assigned to patrol duties in marked police vehicle B339; at or about 1645 hours, Communications dispatched the accused and his partner to Randolph and Head Streets in response to a citizen's call that a suspect was dealing in drugs at that time and place;

(4) The accused and his partner responded to the call and interviewed the suspect described in the call and permitted him to leave Randolph and Head Streets without identifying him; the accused and his partner checked a location under the stairs in front of a house where the complainant stated the dealer has stashed his drug inventory;

(5) The accused and his partner retrieved some material from the stash, took custody of it and then resumed patrol duties;

(6) At or about 0300 hours on November 8, 1989, another officer was assigned to patrol vehicle B339, used by the accused and his partner as stated above. While inspecting the vehicle prior to commencing patrol, the officer found baggies containing marijuana and material that resembled rock cocaine in the sun visor pocket of the vehicle;

(7) An officer assigned to station duty at Ingleside Station informed the officer who found the suspected contraband in vehicle B339, that Officer Maxwell had telephoned Ingleside Station stating that he left the materials behind the visor in vehicle B339. Officer Maxwell requested that the materials be placed in his mail box for processing the next day. This was accomplished; the materials retrieved from behind the sun visor were those found at Head and Randolph Street. These materials were never booked and no report was prepared by the accused or his partner concerning any aspect of the incident;

(8) When questioned by an investigator from the Management Control Division, the accused and his partner stated that the material was "bunk" and they had disposed of it;

(9) The accused by failing to book the suspected controlled substances as required by General Order Q-1 and by failing to report the finding and destruction of the suspected controlled substance, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

CHARGE NO. 2

(10) Paragraphs (1) through (9) of Charge No. 1 hereinabove are incorporated in this paragraph by reference and realleged by such reference as though set forth in full;

(8)(sic)
(11) When interviewed by the investigator from the Management Control Division, the accused failed to answer questions posed to him truthfully and without evasion; the accused denied detaining the suspected drug dealer described in the radio dispatch. The accused stated the suspected contraband was "flushed". His partner stated that the suspected contraband was deposited in the

Ingleside Station trash container; the accused stated that he and his partner disposed of the materials together;

(10)(sic)

(12) The accused by denying that he had detained the suspected drug dealer at the Randolph and Head Streets and fabricating the method of destruction of the materials left in the patrol vehicle in connection with this incident, has engaged in conduct in violation of Rule A-21 of General Order D-1 of the San Francisco Police Department:

"Member shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion."

and

WHEREAS, the taking of evidence by Commissioner John W. Keker on the disciplinary charges filed against Police Officer Louis A. Cassanego was conducted on Thursday, August 23, 1990, pursuant to the policies and procedures adopted by the Police Commission and pursuant to Section 8.343 of the Charter of the City and County of San Francisco, and on Wednesday, December 5, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, it is the findings of the Commission that Charge No. 1 and Charge No. 2 are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Louis A. Cassanego has not violated Charge No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, and Charge No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Charge No. 1, violation of Rule A-9 of General Order D-1, and Charge No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Officer Cassanego:

8:40 p.m. to 8:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF OFFICER MICHAEL MAXWELL, POTRERO STATION

The decision on the disciplinary charges filed against Police Officer Michael Maxwell, Potrero Station, was called it having been set for this date. Officer Michael Maxwell was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which brings discredit on the department. (Violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to answer questions posed by a superior officer truthfully and without evasion. (Violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Michael Maxwell appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

Mr. Jerry Akins made a closing statement for the Prosecution.

Mr. Casimir Wilson made a closing statement for the Defense.

All Commissioners present acknowledged reading the transcripts of proceedings on the evidentiary hearing.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 713-90

DECISION - HEARING OF OFFICER MICHAEL MAXWELL, POTRERO STATION

WHEREAS, on March 27, 1990, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Michael Maxwell, and

WHEREAS, the Commission having heard or read the matter, makes the following findings of fact as set forth in the following charges:

CHARGE NO. 1

(1) At all times herein mentioned, Michael Maxwell, Star Number 856 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department assigned to Ingleside Station, now assigned to Potrero Station;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On November 7, 1989, the accused and his partner, Officer Louis Cassanego, Star No. 146, were assigned to patrol duties in marked police vehicle B339; at or about 1645 hours, Communications dispatched the

CHARGE NO. 2

(10) Paragraphs (1) through (9) of Charge No. 1 hereinabove are incorporated in this paragraph by reference and realleged by such reference as though set forth in full;

(11) When interviewed by the investigator from the Management Control Division, the accused failed to answer questions posed to him truthfully and without evasion. The accused denied detaining the suspected drug dealer described in the radio dispatch. The accused stated the suspected contraband was deposited in the Ingleside Station trash container; his partner claimed to have "flushed" the materials; the accused stated that he and his partner disposed of the materials together;

(10)(sic)
(12) The accused by denying that he had detained the suspected drug dealer at the Randolph and Head Streets and fabricating the method of destruction of the materials left in the patrol vehicle in connection with this incident, has engaged in conduct in violation of Rule A-21 of General Order D-1 of the San Francisco Police Department:

"Member shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion."

and

WHEREAS, the taking of evidence by Commissioner John W. Keker on the disciplinary charges filed against Police Officer Michael Maxwell was conducted on Thursday, August 23, 1990, pursuant to the policies and procedures adopted by the Police Commission and pursuant to Section 8.343 of the Charter of the City and County of San Francisco, and on Wednesday, December 5, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, it is the findings of the Commission that Charge No. 1 and Charge No. 2 are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Michael Maxwell has not violated Charge No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, and Charge No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Charge No. 1, violation of Rule A-9 of General Order D-1, and Charge No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Officer Maxwell:

8:40 p.m. to 8:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF OFFICER STEVEN J. RAVELLA, NORTHERN STATION

The hearing of the disciplinary charges filed against Police Officer Steven J. Ravella, Northern Station, was called it having been set for this date. Officer Steven J. Ravella was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department and which reflects discredit upon the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to prevent crime while off duty (a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Robert Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Steven J. Ravella appeared in person and was represented by Ms. Margaret Pendergast, Attorney at Law.

An opening statement was made by Mr. Robert Martin for the Prosecution.

An opening statement was made by Ms. Margaret Pendergast for the Defense. Ms. Pendergast entered a plea of guilty to Specifications No. 1 and No. 2 on behalf of Officer Ravella.

Commissioner Lee made a motion to accept the plea of Officer Ravella and was seconded by Commissioner Craig and unanimously approved and accepted by the Commission.

Based on these findings, the Commission requested a recommendation from Chief of Police Willis Casey. The following recommendation was made by the Chief of Police:

SPECIFICATIONS NO. 1 AND NO. 2

Forty-five (45) days suspension and enroll in a Department approved D-4 Program for 18 months

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 714-90

DECISION - HEARING OF OFFICER STEVEN J. RAVELLA, NORTHERN STATION

WHEREAS, on September 17, 1990, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Steven J. Ravella, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Steven J. Ravella, Star Number 1802 (hereinafter referred to as "the accused"), is a police officer employed by the San Francisco Police Department and assigned to Company "E", Northern Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On July 5, 1990, at or about 0430 hours, the accused was off-duty operating his personal vehicle proceeding southbound in the 2800 block of Fillmore Street, in the City of San Francisco, State of California;

(4) While proceeding uphill, southbound on Fillmore Street, the vehicle driven by the accused came in contact with an electrical/utility pole located on the sidewalk, approximately four feet east of the eastern curb line of the roadway, such contact stopping the vehicle;

(5) After striking the electrical/utility pole, the vehicle rolled backwards, in a northwesterly direction over the westerly curb striking a building and an unattended legally parked vehicle;

(6) Officers were dispatched to the scene in response to a citizen's call of a property damage accident involving a motor vehicle;

(7) Upon their arrival, the officers notified their superior officers after identifying the accused as a San Francisco Police Officer;

(8) During the police investigation, the accused failed a series of field sobriety tests and was placed under arrest for a violation of California Vehicle Code Sections 23152(A) and 23152(B);

(9) Upon arrival at the Hall of Justice, the accused submitted to an intoxilyzer test which showed the accused to have a blood alcohol level of .14% and therefore to be under the influence of an alcoholic beverage;

(10) The accused was booked at County Jail #1 on the above charged:

(11) By becoming intoxicated, driving an automobile, and becoming involved in a motor vehicle accident, the accused has engaged in conduct which subverts the good order, efficiency and discipline of the department and reflects discredit on the department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(12) The allegations contained in Specification No. 1 paragraphs (1) through (5) and paragraphs (8) through (10) are hereby incorporated by reference as though fully set forth herein;

(13) California Vehicle Code Sections 23152(A) and 23152(B) makes it a criminal offense to drive a motor vehicle on a public highway when a person is under the influence of an alcoholic beverage;

(14) By driving a motor vehicle on the highway while under the influence of an alcoholic beverage, a violation of Vehicle Code Sections 23152(A) and 23152(B), the accused has engaged in conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 5, 1990, and on December 5, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Police Officer Steven J. Ravella are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the

public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATIONS NO. 1 AND NO. 2

Forty-five (45) days suspension and enroll in a Department approved D-4 Program for 18 months

and be it further

RESOLVED, that the forty-five (45) calendar days suspension shall commence on Saturday, December 22, 1990 at 0001 hours and end Monday, February 4, 1991 at 2400 hours.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Officer Ravella:

8:58 p.m. to 9:03 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 9:05 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/6044M

DECEMBER 12, 1990 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, December 12, 1990 at 5:00 p.m. in Executive Session.

Attorney-Client Conference

(Captain Welch, Lieutenant Lang and Sergeant Hall - Discovery)

DOCUMENTS DEPT.

JAN 28 1991

SAN FRANCISCO PUBLIC LIBRARY

DECEMBER 12, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, December 12, 1990 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF OCTOBER 17, 1990

Approval of Minutes of Meeting of October 17, 1990, the Commissioners having received, approved, and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Keker announced that the Police Commission met in Executive Session this evening and in addition to the litigation matter that is calendared, they also discussed the litigation of Christopher Stone vs. Agnos which relates to item 8 on tonight's calendar. He said the meeting conducted pursuant to Government Code Section 54956.9(a).

(a) MOTION ON CALENDAR OF NEW MATTERS

The Taking of Evidence in the Matter of Officer Clifton Matthews, Jr. with Commissioner Campana was called for setting of a date and it was set on January 22, 1990 at 10:00 a.m.. Also Inspector Paul Penrose, whose case is assigned to Commissioner Giraudo for Taking of Evidence was called but since Commissioner Giraudo was not present at this time it was decided that the date would be set at a later time.

(b) PUBLIC COMMENTS

No public comments tonight.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Will Casey said he would like to bring the Commission up to date as to what he has been doing. He said he and his top staff are in the process of interviewing all of the Captains in the Police Department and have gone through 14 of the 22. He said it has been a very encouraging experience for him in talking to and with and about the captains themselves and the problems they perceive in the Department. He said the interviews

are scheduled to end on December 17th and on the 18th, the Deputy Chiefs and himself will make a decision as to where the captains are going to be placed and who are going to be promoted.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said he had one item and that is on a point of clarification. He said last week he had informed the Commission that there would be no reason, from the OCC perspective, to hold up the proceedings against Captain Cairns. He said the one caviat that he would like to inform the Commission about is, is the possibility that whatever the decision might be, that there could be a hearing and as a result of the hearing that the status of a particular part of that case may change.

PUBLIC HEARING ON PROCEDURE FOR POLICE COMMISSION HEARING OF A DISCIPLINARY CASE WHERE THE CHIEF OF POLICE AND OCC DIRECTOR DISAGREE ON WHETHER DISCIPLINARY ACTION IS APPROPRIATE

Commissioner Keker said in order to properly proceed on this matter, the motion before the Commission as drafted by Deputy City Attorney Mara Rosales and to the extent that people want to amend it, is now open for public discussion.

Mr. John Crew, ACLU, addressed the Commission on the motion and said they think the procedure that Ms. Rosales has drafted is solid but they are concerned about two loopholes which their suggested amendments would address. He said those loopholes come into play in two situations that the OCC says a case is a major serious case deserving of discipline before the Commission and the Department wants to discipline at the Chief's level then these procedures would not apply and secondly, arguably these procedures might not apply in cases as is frequent where the OCC makes multiple sustained findings and the Department might charge only one of those findings or more and drop others. He then gave the various reasons of why, for this policy to be comprehensive, they think the Commission should close those loopholes.

Sergeant Steve Johnson of the SFPOA said that it is the SFPOA's position that the focus of the effort to establish and improve OCC's credibility and autonomy ought to be on improving the quality of OCC investigations. He said only when that has been achieved will complaints brought at the urging of OCC be entitled to the credibility that the Department is seeking to bestow on OCC by giving its director more authority. He said the SFPOA favors and prefers having cases heard by independent neutral Hearing Officers rather than by the Commission and that this would preferable, particularly in cases where the procedures that the Commission has invoked, as such cases are most likely to be high profiled politically charged cases.

Ms. Mary Vail, Attorney, NLRB, said she basically supports John Crew's comments including his observations of the great progress that Chief Casey has made. She said she also thinks it is fair for anyone who has been at the meetings of the Commission for the last year or so to say that the OCC is making great strides in improving its investigations.

Mr. Bob Nockingdorf, President of the Harvey Milk Gay/Lesbian Democratic Club, addressed the Commission and read a statement into the record which began with memorializing the 1979 White Night Riots. In closing he said they applaud Chief Casey for forming a Hate Crimes Investigation Unit but they want justice for all when the hate criminal is a police officer. He said work place discipline is one appropriate step but they also believe that an officer who hurts a civilian by using excessive force or uses his position to abuse the rights of citizens should be treated as a law breaking criminal just as much as a police officer who takes a bribe or drives while drunk. He said this means they will look to the day when the Police Commission will refer cases to the District Attorney for criminal prosecution.

As there were no more public speakers, Commissioner Craig said two primary points have been raised in the discussions since this policy was originally proposed. She said one point was that the Commission should apply the procedures that are currently under discussion that were drafted by the City Attorney's Office to disagreements on individual charges rather than to individual cases. She said this would be applicable in cases where there is more than one sustained charge against a particular officer. She said the other main point that has been made is that they should apply these procedures to disagreements as to recommended punishment as well as to sustained findings. She said, now what has all so occurred in the interim as has been mentioned tonight is that Chief Casey announced at last week's meeting that he would be drawing up a General Order that would spell out with great specificity what cases would automatically come to the Commission for hearing rather than be handled at the Chief's level. She said among those categories are all cases verified by the OCC, all excessive force cases that result in serious injury or death and others. She said she wished to applaud Chief Casey for his initiative in this regard and she said she feels that the Commission should now incorporate these categories as well into their policy even while the Department works out the final language of the proposed General Order. She said so working with the suggested remedies to these issues that the Commission has from John Crew of the ACLU and others, she said she would like to make some amendments to the draft the Commission has before it. She then went through the draft page by page outlining the areas of the proposed amendments. Thereafter, Commissioner Campana said he would move to accept those amendments as made by Commissioner Craig.

Commissioner Keker then said he has some problems with the amendments and some problems with what has been said. He then explained in great detail why he felt this way. He said so he intends to vote against the amendments. He said there are parts that he could go along with, like the part that says this is a matter of the OCC Director's discretion and also the part that says, "This should be reported to the Commission on a quarterly basis", so that the Commission knows about all of the disagreements and he finds that those things which have been characterized over and over again as loopholes so much so that now people are thinking of them as loopholes and he didn't think they are

loopholes at all but that the policy that was presented to the Commission is the one that has the best balance between what they are trying to accomplish. He said they are trying to avoid the big problem, they are trying to keep track of the little problems and they are supposed to be making sure that the Administration of both the OCC and the Police Department is carrying out this disciplinary system in the most fair and efficient manner. He said if the Commission's goal is to come up with a disciplinary system that has some hope of getting police officers disciplined in a fair expedient basis he feels that the Commission would be making a mistake to expand beyond the ways that he has described.

After further discussion was heard from Commissioners Campana, Lee, the Chief and the OCC Director, Commissioner Craig made some modifications to her recommended amendments which were voted on and approved and thereafter the policy was unanimously approved as amended. There were some tabled motions that were recommended to be reconsidered for this policy at the Police Commission meeting of February 13, 1991, at which time public hearings on the General Order in this regard as proposed by the Chief of Police would be submitted. (The entire context of this discussion is on audio tape and filed in the Police Commission Office.)

RESOLUTION NO. 721-90

PROCEDURE FOR POLICE COMMISSION HEARING OF A DISCIPLINARY CASE WHERE THE CHIEF OF POLICE AND OCC DIRECTOR DISAGREE ON WHETHER DISCIPLINARY ACTION IS APPROPRIATE

WHEREAS, pursuant to Charter Section 3.530 the Police Commission has the power and duty to organize, reorganize and manage the Police Department ("the Department") and Office of Citizen Complaints ("OCC"); and

WHEREAS, the Commission's effective management of the Department and the OCC necessarily depends on cooperation and assistance from the Chief of Police and OCC Director regarding all matters affecting their respective departments and personnel; and

WHEREAS, pursuant to Charter Section 3.530-2, the OCC Director recommends to the Chief of Police disciplinary action for members against whom complaints have been sustained; and

WHEREAS, on the basis of the OCC Director's recommendation, the Chief decides whether disciplinary action is warranted and if the Chief agrees with the recommendation, the Chief prepares a verified complaint and files the complaint with the Commission; and

WHEREAS, the Chief has the authority to file a complaint with the Commission but the Chief of Police is not the only person who can verify the complaint and the Commission may, if it chooses, order the Chief to file a properly verified complaint; and

WHEREAS, the Commission wishes to become more informed of the OCC Director's recommended disciplinary actions and the Chief's disciplinary actions concerning uniformed members of the Department so that it may take appropriate action, if necessary; now therefore be it

RESOLVED, that in all cases where the OCC Director and the Chief of Police disagree on whether disciplinary action is appropriate in a particular case or in a particular finding in a case, the following procedures shall apply:

1. The Chief of Police shall return the file to the OCC Director indicating the disagreement.

2. At the next Police Commission meeting, as part of the Chief's report and without disclosing confidential information (to the extent any exists), the Chief shall inform the Commission that the matter has been returned to the OCC Director.

3. Upon receipt of a disciplinary case from the Chief indicating the Chief's disagreement, the OCC Director shall reopen the investigation, if necessary. With the assistance of the OCC staff attorney, the OCC Director may prepare a complaint setting forth the acts complained of against the officer. The complaint, if prepared by the OCC staff attorney, shall be verified by the OCC Director. The OCC Director can verify the complaint. The decision to prepare the verified complaint shall be at the discretion of the OCC Director.

4. Thereafter, the OCC Director shall forward the verified complaint to the Chief of Police.

5. The Chief of Police shall decide whether to file the verified complaint with the Commission, thereby invoking the Commission's jurisdiction to hear the disciplinary charges against the officer. In determining whether to file the verified complaint with the Commission, the Chief shall give due weight to the verification of the complaint by the OCC Director and the Commission's stated policy that the Chief and OCC Director implement the Commission's policy effectively to respond to complaints of misconduct and to pursue discipline of errant officers. If the Chief decides not to file with the Commission the verified complaint prepared by the OCC, the Chief shall immediately therafter so inform the Commission in writing. Thereafter, the Commission shall review the Chief's and OCC Director's decisions. After its review, the Commission may take whatever action it deems necessary and appropriate, including but not limited to ordering the Chief to file the verified complaint.

6. Where the OCC staff attorney does not prepare a complaint the OCC Director, as part of the OCC Director's report and without disclosing confidential information (to the extent any exists), shall report those cases to the Commission at the Commission meeting immediately following the decision not to prepare a verified complaint.

7. The OCC Director shall state in writing at the time he/she forwards a sustained OCC case to the Chief of Police if he/she believes the case or a particular finding from the case should be heard by the Commission.

8. As part of its statistical reports, the OCC shall publish data regarding the implementation of this policy. This data shall include the number of disagreements, the number of complaints verified by the OCC Director, the number of these complaints filed by the Chief of Police, the number of Police Commission directives that the Chief of Police file these complaints, the allegations involved, and the disposition of these allegations (whether or not heard by the Police Commission).

THESE PROCEDURES SHALL NOT APPLY TO CASES WHERE THE CHIEF OF POLICE IMPOSES UP TO TEN DAYS SUSPENSION FOR VIOLATIONS OF THE RULES AND REGULATIONS OF THE POLICE DEPARTMENT PURSUANT TO CHARTER SECTION 8.343.

PUBLIC DISCUSSION ON THE REQUEST OF THE HUMAN RIGHTS COMMISSION THAT THE POLICE COMMISSION ESTABLISH A WRITTEN POLICY DETAILING PROPER ENFORCEMENT STANDARDS FOR PENAL CODE SECTION 647(i)

Mr. Don Hess, coordinator with the Human Rights Commission, thanked the Commission for agreeing to take up the matter of a written policy for the enforcement of Penal Code 647(i). He reminded the Commission that it had adopted earlier, a policy on the Homeless acknowledging the rights of the homeless with specific instructions to officers to carry out that policy. He said they are asking the Commission to continue the spirit of that resolution. He said they acknowledge that the resolution of homelessness is not going to be decided by this Commission or worked on by this department. He said following the submission of their letter to the Commission for tonight's hearing in mid-November, in that letter as they had agreed, they had two meetings with the staff of the Department. He said it is his understanding that Deputy Chief Murphy has prepared an order based on those elements that they agreed on as a result of those meetings and they will address those areas where they did not reach agreement. He then had two other speakers to address the Commission on this issue. One of those was Mr. Josh Brandon, Coalition on Homelessness, who said that from July of this year through October 31, there has been a total of 5,065 people turned away from shelters during that time period due to lack of space. He said the draft resolution they are suggesting will show there is a human way to apply this 647(i) law that does not carry the bad reputation that San Francisco and the Police Commission would earn if it were to continue.

The other speaker was Mr. Earl Louie, Home Base, a regional center on homelessness policy and programs in the Bay Area. He then spoke about some of the prior experiences and abuse in the enforcement of 647(i).

Mr. John Crew, ACLU, speaking on the issue said they are not asking the department not to enforce the law. What they are asking is that the Commission set the policy so that there is some understanding of the proper way to enforce this law. He said there should be a mechanism when there is literally no place for anybody to go at night that this sort of lodging law, if it is going to be applied in public areas, should not be applied. He said this is the situation where you are

criminalizing one's existence, the people have no place else to go and the response from the police is either move along or you get cited or you go to jail. He said that is an untenable situation and he did not think that there has to be a great burden on the department if a mechanism could be developed where they know in those situations that there is literally no place else to go.

Deputy Chief Murphy said he and Department Administration Staff have met with Mr. Crew and the people from the Homeless Coalition and the Human Rights Commission and the Police Commission has a draft proposal in their packages from the Human Rights Commission. He then went through the various points in the proposal some of which the department felt they could agree. After going through the proposal he said they all realized right at the start that this is a problem larger than all of them and they are going to have to work together to solve it.

Mr. Keith Eichmann, Vice President of the SF Rec. & Park Commission did not receive any notice of the matter when it was discussed at the HRC and received information of the Police Commission's meeting too late to calendar it for consideration before the Rec & Park Commission. He said he would make clear however that he appears before the Commission on this matter after personally hearing a great deal of testimony regarding homelessness in the parks and having visited many of the San Francisco parks where homeless people are. He said he wanted to state in the strongest possible terms that the parks are for all to enjoy. He said just as they recently restricted the parks for charitable solicitors they must also say no to those who want to use the park for housing the homeless. He said he urges the Police Commission to say no to the proposal sent to the Police Commission by the HRC.

Mr. Paul Boden, Coalition on Homelessness, said the Police Commission has been advised tonight about the problems of transporting the homeless to a shelter but the problem is that there is no place and until there is adequate shelter provided this discussion should not be held in this room.

Mr. Keith McHenry, Food not Bombs, said the Commission on November 2, 1988, passed the General Order on the Homeless Policy which went through out the Department and there has been a training film produced and shown to officers and still everyday innocent homeless people are arrested, harassed and jailed and beaten and their possessions are left behind or put in the trash and this is an epidemic problem as their whole lives are turned upside down by misguided police behaviour which is causing a great deal of pain and suffering for hundreds and hundreds of people living in San Francisco. Mr. Franklin Key, said he was one of the victims of Section 647(i). He said the only crime he may have committed was sitting down to rest with his backpack.

Mr. Robert Wilson, representing Homeless People, said he has been arrested for 647(i) and the case was eventually dropped as they received a demurrer from Judge Moscone saying that the law as it applied to a public place was unconstitutionally vague and could not be applied to their case. He said he didn't think the police should be arresting people at all for being homeless as it is cruel and inhuman.

Cade Barrow, resident, Duboce Triangle said he was a gay man and a criminal in many states of this country and said as to the policy that has been read here tonight he would ask the Commission to be very cautious and obtain further input. He said the Administration should be very careful in how they restrict the police in what they can do.

James Buston, homeless, he said he had a job at a hotel and when he stopped working there the police came and took his money from him and he reported it to the FBI. He said he left the city and went 700 miles away and the same people followed him. The same person on the San Francisco Police Force came to New York and he (Buxton) had to walk through 14 gunfights, and also he had previously gone through five here in San Francisco and had no police to help him and this is what caused him to be homeless.

Mr. Garth Ferguson, employed and resident of the Tenderloin, said he agreed with most of what he has heard tonight. He said the police assumed he was homeless because he has long hair and a beard and while he was in the park with his dog, they made him leave because they assumed he was homeless.

Mr. Neal Isenberg, attorney and resident, he related an experience he had had with a homeless person who was sleeping on his front steps. He said his daughter could not come into their home becuase there was a man sleeping on the front steps and he awakened and began screaming at her and she was afraid to walk over him to come in. He said he told her he would open the garage door so she could run in and he would deal with the man once she was inside. He said once she was inside he called the police. He said the officers arrived quickly, advised the man as best as they could as he apparently was very mentally ill and disoriented, and finally got him on his way. He said he was very proud of the police officers in the way they handled this situation as it was done in such a proper and humane manner. He said this is a very serious social problem that the police is not responsible for.

Sergeant Steve Johnson, SFPOA, said he thinks that everything the Commission has heard here tonight is what the officer on the street sees and hears everyday. He said homeless people are not criminals but victims of extremely unfortunate social and economic circumstances which unfortunately are only going to get worse. He said the policy statement is sufficiently vague to place well intentioned officers in jeopardy of receiving OCC complaints. He said he didn't think it should be adopted tonight or a bulletin issued tomorrow until some of these resolutions are solved.

Mr. Harold Hoogasian, florist, representing the Council of District Merchants, said nobody in the Merchants Community had any sense of what was going on here and he said his sense of what this proposed order would do is to preclude anybody who doesn't put a gate up in front of their entry way from having enforcement of this law if they call the police.

After further discussion Commissioner Craig made a motion that the Commission recommend to the Mayor that he reconvene the representatives of the various Commissions to talk about the Homeless issue in a more multi-faceted way than just having the HRC come

with their proposal to the Police Commission and that the Police Commission does endorse the idea of giving greater direction to police officers in the form of a Training Bulletin with ideas that were spelled out here tonight with some of the things that should be added in grave detail so that it is absolutely clear what lodging actually means and working with the City Attorney's Office so that that is legally correct and it is easily understood by the officers in the street.

Commissioner Campana said and also that there is some thought that is developed where you can determinate the consistency of its implementation. He said this bulletin is a great idea but he thinks, for further clarification that in terms of the consistency of its implementation, is something that he would be concerned about and he would like to get a report back on it. The motion, thereafter, was unanimously approved.

RESOLUTION NO. 722-90

PROPOSED AMENDMENT TO SECTION. 10.22-2, SAN FRANCISCO ADMINISTRATIVE CODE, SETTLING LITIGATION NOT EXCEEDING $5,000

WHEREAS, the City Attorney has requested support in amendment to Section 1, Section 10.22-2 of the Administrative Code, which would permit the City Attorney to continue to settle unlitigated claims not exceeding $5,000 without the approval of the Chief Administrative Officer or the Board of Commission in charge of the Department, and

WHEREAS, this section would permit the City Attorney to permit the same procedure to be used to settle litigated claims under $5,000 in a manner much the same as unlitigated claims.

RESOLVED, that the Police Commission of the City and County of San Francisco hereby approves said request and requests that the attached draft ordinance on Administrative Code Section 10.22-2 be approved by the Board of Supervisors for adoption.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 723-90

REPEALING SECTION 2 OF ORDINANCE NO. 66-90, REMOVING THE SUNSET CLAUSE ON THE AUTHORITY PROVIDED BY SECTION 10.21 OF THE SAN FRANCISCO ADMINISTRATIVE CODE TO SETTLE UNLITIGATED CLAIMS UNDER $5,000

WHEREAS, the City Attorney has requested removal of the sunset clause on a provision in Section 2 of Section 10.21 of the Administrative Code which would permit the City Attorney to continue to settle unlitigated claims under $5,000; and

WHEREAS, this has been in effect for six months and has proved to be an efficient way to resolve very minor claims in a quick and timely fashion which is a benefit to the City as well as the claimants; therefore be it

RESOLVED, the Police Commission supports and recommends approval by the Board of Supervisors to approve the amendments in order to settle claims not exceeding $5,000.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 724-90

STATUS REPORT IN THE CHARGES AGAINST CAPTAIN RICHARD J. CAIRNS, INVESTIGATIONS BUREAU

WHEREAS, the status report in the disciplinary charges filed against Captain Richard J. Cairns, Investigations Bureau, was called it having been set for this date; and

WHEREAS, it was requested by the Police Commission that the status report in the charges against Captain Cairns be continued to January 9, 1991; therefore be it

RESOLVED, that the status in the disciplinary charges filed against Captain Richard J. Cairns is continued to Wednesday, January 9, 1991 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

HEARING OF INSPECTOR ALEX E. FAGAN, NARCOTICS DIVISION

The hearing of the disciplinary charges filed against Police Inspector Alex E. Fagan, Narcotics Division, was called it having been set for this date. Inspector Alex E. Fagan was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Orfder D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Alex E. Fagan appeared in person and was represented by Mr. Paul Chignell, Police Officers' Association.

An opening statement by made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Paul Chignell for the Defense. Mr. Chignell entered a plea of nolo contendere to Specification No. 1 on behalf of Inspector Fagan.

The plea of Inspector Fagan was unanimously approved and accepted by the Commission.

Based on these findings, the Commission requested a recommendation from Chief of Police Willis A. Casey. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Fifteen (15) days suspension and enroll in a Alcohol Abuse Program for 18 months

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 725-90

DECISION - HEARING OF INSPECTOR ALEX E. FAGAN, INVESTIGATIONS BUREAU

WHEREAS, on November 15, 1990, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Inspector Alex E. Fagan, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Alex E. Fagan, Star Number 1265 (hereinafter referred to as "the accused") was and is a police officer holding the rank of Inspector employed by the San Francisco Police Department and assigned to the Investigations Bureau:

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On July 13, 1990, at or about 1700 hours, the accused was off duty and became involved in an incident involving members of the California Highway Patrol on the shoulder area of northbound Interstate Highway 280 at or near the Edgewood Road exit, in the County of San Mateo, State of California;

(4) On July 13, 1990, from approximately 1200 hours through approximately 1700 hours, the accused attended a party in San Mateo County during which he consumed sufficient beverage alcohol to become intoxicated;

(5) On July 13, 1990, at or about 1700 hours, the accused left the party and was a passenger in his automobile driven by another person northbound on Interstate Highway 280. At said time and place, he became involved in a verbal disagreement with the driver of his vehicle and demanded that she immediately stop and permit him to exit the vehicle;

(6) The driver stopped the vehicle on the freeway, the accused exited and the driver left the scene and the accused remained on the freeway;

(7) The presence of the accused on the freeway was reported to the California Highway Patrol dispatchers by telephone and to one of its officers in person;

(8) Members of the California Highway Patrol responded to the place where the accused was sitting on a guard rail on the freeway;

(9) The first California Highway Patrol Officer to respond found that the accused was intoxicated and at first refused to identify himself and was uncooperative; he called for backup and for a supervisor, after the accused finally identified himself as a member of the San Francisco Police Department;

(10) After other officers arrived, the driver of the accused's vehicle returned to the scene;

(11) Ultimately five (5) California Highway Patrol Traffic Officers and one (1) California Highway Patrol Sergeant responded to the scene; the Sergeant present made the decision that the accused be arrested based on his assessment of the situation which is quoted as follows:

"1. That Fagan was a pedestrian on the freeway (violation of 21461.5 VC)

2. That Fagan did push and grab Officer Jerd who had motioned for him to stop his advancement toward Hodges' [the driver of the accused's automobile] vehicle (believed to contain weapons).

3. That Fagan resisted Officer Mitchell's attempt to place him in control hold following Fagan's assault on Officer Jerd.

4. That Fagan jabbed his finger into the chest of officers at the scene who were attempting to verbally control his actions...

5. That Fagan had threatened to assault officers present and was provoking a fight.

6. That Fagan was intoxicated and displayed signs of combativeness, a danger to himself and others."

(12) After the decision was made to arrest the accused and remove him from the freeway, the sergeant attempted to handcuff the accused; however, the accused resisted being handcuffed and placed in a patrol vehicle for transportation from the scene;

(13) The accused by virtue of the herein alleged behavior, specifically after an argument with the driver, exiting his vehicle on the freeway and then becoming involved in an altercation when Highway Patrol Officers attempted to investigate his presence as a pedestrian on a freeway in violation of California Vehicle Code provisions, and the resisting when arrested as described

herein, has engaged in conduct which brings discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 12, 1990, and on December 12, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Inspector Alex E. Fagan are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Fifteen (15) days suspension and enroll in a Department approved D-4 Program for 18 months

and be it further

RESOLVED, that the fifteen (15) calendar days suspension shall commence on Saturday, December 22, 1990 at 0001 hours and end Saturday, January 5, 1991 at 2400 hours.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Inspector Fagan:

8:12 p.m. to 8:20 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

STATUS ON CHARGES AGAINST POLICE OFFICER EMILY R. FIELDS, WARRANT BUREAU

The date for the status report on the disciplinary charges filed against Police Officer Emily R. Fields, Warrant Bureau, was called it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Emily R. Fields was not present but was represented by Ms. Colette Jolicoeur, Attorney at Law.

Mr. Jerry Akins made an opening statement for the Prosecution.

Ms. Colette Jolicoeur made an opening statement for the Defense.

Officer Fields is presently under suspension. She was found to have lost two pounds since the last status report.

It was requested by the Police Commission that the status report on Officer Fields be continued to Wednesday, December 19, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

HEARING OF OFFICER BERNARD J. SULLIVAN, FIELD OPERATIONS, HEADQUARTERS COMPANY

The hearing of the disciplinary charges filed against Police Officer Bernard J. Sullivan, Field Operations, Headquarters Company, was called it having been set for this date. Officer Bernard J. Sullivan was charged with violating the Rules and Procedures as follows:

SPECIFICATION 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION 2

Failure to answer questions asked by the Office of Citizen Complaints truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Bernard J. Sullivan appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

An opening statement by made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Casimir Wilson for the Defense. Mr. Wilson entered a plea of nolo contendere to the charges on behalf of Officer Sullivan.

The plea of Officer Sullivan was unanimously approved and accepted by the Commission.

Based on these findings, the Commission requested a recommendation from Chief of Police Willis A. Casey. The following recommendation was made by the Chief of Police:

SPECIFICATIONS 1 AND 2

Fifteen (15) days suspension

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 726-90

DECISION - HEARING OF OFFICER BERNARD J. SULLIVAN, FIELD OPERATIONS BUREAU, HEADQUARTERS COMPANY

WHEREAS, on October 30, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Bernard J. Sullivan, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION 1

(1) At all times herein mentioned, Bernard J. Sullivan, Star No. 1173 (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and assigned to the Special Operations Bureau - Tactical Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about January 22, 1989, at approximately 1930 hours on Market Street near its intersection with Powell Street, the accused and other members of the Department were assigned to crowd control duties in connection with the Super Bowl victory of the San Francisco 49'er Football Team;

(4) On or about January 22, 1989, at approximately 1930 hours, the accused arrested a citizen who had thrown a bottle at the accused from the crowd;

(5) After effecting the arrest, the citizen he arrested was transported by other officers to the Southern Police Station in the Hall of Justice at 850 Bryant Street and handcuffed to the bench in the holding cell in said station;

(6) The accused later returned to Southern Police Station and approached the citizen he had arrested where he was sitting on the bench in the holding cell described above, with both hands cuffed to the bench, and the accused slapped the citizen across the face without cause;

(7) The accused, by slapping the citizen in the face while handcuffed to a bench in the holding cell at Southern Police Station, used unnecessary force which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION 2

(8) The allegations contained in paragraphs (1) through (7) of Specification 1 are incorporated by reference as if fully set forth herein;

(9) On or about April 4, 1989, the accused was questioned by the Office of Citizen Complaints ("OCC") regarding whether he approached and slapped a citizen who was handcuffed to the bench in the holding cell of Southern Station on or about January 22, 1989 at approximately 1930 hours;

(10) On or about April 4, 1989, the accused when questioned by the OCC stated that he remembered the incident and admitted that he approached the citizen while the citizen was handcuffed to the bench in the holding cell of Southern Station; however, the accused denied slapping the citizen in the face;

(11) The accused, by denying that he slapped a citizen in the face who was handcuffed to the bench in the holding cell at Southern Police Station, on or about January 22, 1989 at approximately 1930 hours, has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 12, 1990, and on December 12, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1 and 2 as preferred by the Chief of Police against Police Officer Bernard J. Sullivan are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATIONS 1 AND 2

Fifteen (15) days suspension

and be it further

RESOLVED, that the fifteen (15) calendar days suspension shall commence on Saturday, December 22, 1990 at 0001 hours and end Saturday, January 5, 1991 at 2400 hours.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

Recesses taken during the hearing of Officer Sullivan:

8:47 p.m. to 8:59 p.m.
9:10 p.m. to 9:15 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 9:16 p.m..

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/6027M

DECEMBER 19, 1990 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, December 19, 1990 at 4:45 p.m. in a Special Meeting.

Attorney-Client Conference

Dolores Huerta vs. CCSF
Eichelberger vs. CCSF
Benjamin Mizryukhin, et al vs. CCSF
John Runfola vs. CCSF

DOCUMENTS DEP
FEB 5 1991
SAN FRANCISCO
PUBLIC LIBRARY

DECEMBER 19, 1990 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, December 19, 1990 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF OCTOBER 24, 1990 AND NOVEMBER 7, 1990

Approval of Minutes of Meeting of October 24, 1990 and November 7, 1990, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 734-90

BENJAMIN MIZRYUKHIN, et al vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Benjamin Mizryukhin entitled "Benjamin Mizryukhin, et al vs. CCSF, et al" in the sum of $15,000.00 in Superior Court No. 899-866 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 27, 1988

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 735-90

JOHN RUNFOLA vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of John Runfola entitled "John Runfola vs. City and County of San Francisco" in the amount of $15,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 22, 1989

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Keker announced that the Police Commission met in Executive Session on several cases, two of them were the claims that were approved on the Consent Calendar and on one of those, the Commission has a request to make to the OCC and to the Chief and that is a case called Ron Foller vs. City and County. He said the Commission approved the settlement and there is an OCC Complaint number 65-90. The Commission would like a report, in writing, from the OCC about the status of that complaint and the status of any other complaints that the OCC has naming the officers in that complaint, and any other OCC complaints that are pending, and he said to the Chief, the Commission would like from Management Control, in writing the same thing, the status of any open investigations and any closed cases over, for instances, the last five (5) years, against the officers named in that Ron Follo complaint and Mr. Langer should make certain that the Chief sees his also because those are names the Commission is beginning to recognize. He said the other matter was the matter of Eichelberger vs. City and County of San Francisco. Commissioner Campana said he would like to make a motion in this regard and move that the Commission grant a 2 month extension to the City Attorney's Office to review the effects that the retro-activity of the Intelligence Policy is going to have on that pending case. Commissioner Lee seconded the motion and it was unanimously approved. Commissioner Keker said Ms. Rosales, Deputy City Attorney, will have another two (2) months to get her recommendations to the Police Commission on that pending case issue as it effects retro-activity of the Intelligence Policy.

(a) MOTION ON CALENDARING NEW MATTERS

Commissioner Craig said she would like for the Commission to calendar a Public Discussion on an idea for the Mayor to appoint a committee which would design and implement a system of police discipline. She said this system would assure a fair and speedy resolution of police discipline cases, insure civilian control over the Department through the Police Commission and expand the Chief of Police's accountability for the performance of the men and the women of the Department. She said the idea for this committee is that it would be appointed by the Mayor and would include representatives of the Police Commission, the Police Department, the POA, OFJ and other minority officers in general, the City Attorney's Office, the OCC, the SF Bar Association, the Mayor's Office, ACLU, plus well known interested and responsible community leaders. She said among the issues that the committee would consider are the Chief's power to discipline, the idea of neutral hearing officers to determine guilt or innocence, Commission oversight of all disciplinary decisions, the Police Department's roll in screening OCC complaints and simultaneous investigations by OCC and the Police

Department. She said those are just some of the issues that would be within the purview of this committee and what she would like to calendar is a discussion of that idea generally and whether or not it is a good idea to go forward with as a recommendation to the Mayor. She said the proposed committee deadline is March 31, 1991, and this committee would recommend a comprehensive police disciplinary system which meets the goals that she has just outlined. Commissioner Campana seconded the motion. Commissioner Keker said that it would be scheduled for the Commission calendar of January 9, 1991.

Commissioner Keker said since he would not be here on that date he would say a couple of things now. He said first, he favors the idea and second he understands that the proposal is without regard to the current restrictions of the City Charter. He said part of what this committee comes up with may require amending the City Charter. He said the Commission is not going to be bound if this group goes forward by telling them they have to figure out what to do within the current Charter. If they need to change the Charter to make this work that could be part of the proposal and then finally he said he would hope that people would not come in on the 9th and tell the Commission every idea that they think that this committee ought to consider. He said the place to address that would be with the committee itself, not the Commission.

(b) PUBLIC COMMENTS

Mr. John O'Brien said he liked the way the Chief was reorganizing the Department in that the Intelligence Unit has been disbanded and he hopes they will consider disbanding the Narcotics Unit and add another 100 men to the uniformed service of the Department.

Mr. Brian Bringardner, speaking on behalf of Scrouch the Police Misconduct Focus Group of Queer Nation, said they have received and reviewed a copy of the first amended charges filed against Captain Richard Cairns from the October 6, 1989, Police Riot in the Castro. He said there are several things in the charges that they feel should be corrected before a hearing is scheduled. He said rather than read the statement he would give each of the Commissioners a copy of it but basically he said their statement is a list of what they consider to be deficiency in the charges. He then went through the list. (List on file with calendar file items of the meeting.)

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Willis Casey announced some personnnel changes in the Police Department. He said he had hoped to tell the Commission before they read about it in the newspaper. He then said what he proposed to do is effective Saturday, promote two (2) captains to the rank of commander, Captain James Arnold and Captain Richard Shippy, who are both present. He said a swearing-in ceremony is planned for Friday at 2:30 in the afternoon and the Commissioners are invited. He said in addition to that he transferred 15 captains. He then announced

the locations of where they were to be sent. He said those transfers and promotions were made after over thirty (30) hours of interviews and consultations in meetings with every captain in the Police Department between himself and his Deputy Chiefs.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said last week they discussed the draft of the new policy concerning disagreements between the Chief of Police and the OCC concerning specific allegations and he said he thinks it noteworthy at this time to bring up something that is a bit of a concern to him. He said while this particular case that he is speaking of and he is speaking of Captain Cairns, does not reflect the new policy because it really isn't included as part of the policy. He said there are three allegations that were sustained by the OCC where he believes, in his opinion, that there is very clear and convincing evidence to sustain and to find the officer guilty but he did not want to get into that because he did not want to prejudice the Commission in any way. He said those three allegations were completely left out of these charges and in addition there was another allegation that was included and one of the three that was left out is a pivotal point in proving one of those other charges. He said he only brings this to the Commission's attention because he thinks the Commission should be notified when the OCC has concerns such as this as he promised he would do this.

Commissioner Keker said that Mr. Langer should write up what his concerns are and the Chief should write up his explanation or what he wants to say about those charges and those writings should be given to Ms. Rosales of the City Attorney's Office who the Commission will ask to evaluate and be informed about this as early as possible as to how much of this information can come to the Commission and if there is some very important information that can't come to the Commission then she should tell the Commission.

Mr. Langer said the second item is and it is with great pleasure to introduce Ms. Aleazar Aramborough who is the OCC's new Senior Staff Attorney. He said he knows two of the Commissioners have had the pleasure of meeting her but the other two haven't. He said she will be starting on the 7th of January and they look forward to her valuable assistance in furtherance of the OCC's efforts.

Commissioner Keker said on behalf of the Commission, he welcomed her and noted she was a Deputy Public Defender in San Joaquin County for five (5) years and has a very impressive background.

Commissioner Keker said before going forward, the Commission would like to go back to calendaring of new matters and said on January 16, 1991, the Commission would like to place at the end of the calendar for that date and that is the amended policy the Commission Staff has written up in accordance to Commissioner Craig's motion which was passed last week where there were a lot of amendments and changes and the Commission Staff has written it up accurately as to what was finally

passed. He said he thinks, however, that there are three things in it that should be fixed in order to, not to change what was done last week but to properly reflect what was done last week and it can't be cleaned up without noticing it for a subsequent meeting and so he was moving that the Commission notice it for the meeting of January 16th. He then made a detailed motion on those items that he would like amended to be calendared for the 16th of January 1991. Commissioner Craig seconded and it was unanimously approved.

PUBLIC HEARING ON PROPOSED OCC GENERAL ORDER:

a. REVISED OCC ORDER P-1, "INTAKE PROCEDURE"
b. REVISED OCC ORDER P-2, "CASE TRACKING PROCEDURE"
c. REVISED OCC ORDER P-3, "INVESTIGATOR OF THE DAY PROCEDURE"
d. NEW OCC ORDER P-5, "CASE MANAGEMENT PROCEDURE"

Mr. Michael Langer said OCC Orders P-1, P-2 and P-3 are revised orders and P-5 is a new order. Prior to going through them he said Mr. Crew, ACLU, sent the OCC a couple of suggestions which they reviewed this morning and the Management Team supports those particular amendments. He said Mr. Crew has provided the Commission with copies of those suggestions tonight. Mr. Langer then went through the suggested amendments and then pointed out the revisions in the OCC Orders. Ms. Diane Christensen, Shop Steward for Local 790, said that they have not seen the recent proposed changes and she would like to reserve, in as much as those changes effect the working standards and conditions of the people that work at OCC, comment and request meet and confer. After hearing further discussion and reviewing the propsed amendments she requested a meet and confer but Commissioner Keker said that the proposed changes come under a management decision and is not a matter for meet and confer to which the Commission unanimously agreed.

After discussing the provisions of new order P-5, Mr. Langer requested that it be tabled and re-calendared it January 23, 1991. All OCC Order P-1, P-2 and P-3 were approved as revised.

RESOLUTION NO. 728-90

OFFICE OF CITIZEN COMPLAINTS ORDER P-1, "INTAKE PROCEDURE"

RESOLVED, that the Police Commission hereby approves Office of Citizen Complaints Order P-1, "Intake Procedure" as revised.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 729-90

OFFICE OF CITIZEN COMPLAINTS ORDER P-2, "CASE TRACKING PROCEDURE"

RESOLVED, that the Police Commission hereby approves Office of Citizen Complaints Order P-2, "Case Tracking Procedure" as revised.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 730-90

OFFICE OF CITIZEN COMPLAINTS ORDER P-3, "INVESTIGATOR OF THE DAY PROCEDURE"

RESOLVED, that the Police Commission hereby approves Office of Citizen Complaints Order P-3, "Investigator of the Day Procedure" as revised.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 731-90

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL ON IMMEDIATE FILLING OF VACATED POSITION 0390 CHIEF OF POLICE

WHEREAS, one 0390 Chief of Police position has become vacant from the San Francisco Police Department, and

WHEREAS, the vacancy, due to service retirement leaves a severe gap in the upper management of the San Francisco Police Department, and

WHEREAS, to permanently fill the position before the accumulated sick leave and vacation time have been paid requires a resolution of the Board of Supervisors, and

WHEREAS, this procedure is authorized by the Annual Appropriation Ordinance, Section 10, Subsection 1, and

WHEREAS, without the approval of the Board of Supervisors, this position could not be filled permanently until August 2, 1991 and,

WHEREAS, there are sufficient funds appropriated to cover the cost of this procedure; therefore be it

RESOLVED, that the Police Commission does hereby request that the Mayor and the General Manager, Personnel of Civil Service, recommend to the Board of Supervisors the adoption of the attached resolution and, be it further

RESOLVED, that the Police Commission requests that the Board of Supervisors adopt the attached resolution authorizing the immediate filling of the vacated position of 0390 Chief of Police.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 732-90

REQUEST OF THE CHIEF TO INCREASE THE COST RECOVERY AMOUNT CHARGED FOR PHOTOGRAPHIC PRINTS

WHEREAS, the Photography Laboratory of the Police Department produces photographic prints for other city agencies and outside individuals, and

WHEREAS, the photographic prints are produced over and above the necessary requirements of the Police Department, and

WHEREAS, the Police Department desires to recover the cost of producing such prints, and

WHEREAS, the current cost recovery charge was set 12 years ago at $4.00, and

WHEREAS. the cost of producing photographic prints have increased and the $4.00 cost recovery fee no longer covers the cost of producing such prints; therefore be it

RESOLVED, that the Police Commission hereby approves a cost recovery charge of $8.00 per photographic print for other city agencies and outside individuals.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 727-90

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $384,000 TO COVER A PROJECTED DEFICIT IN THE MATERIAL AND SUPPLIES APPROPRIATION FOR FUEL

WHEREAS, the Board of Supervisors appropriated $783,163 for gasoline in the current Fiscal Year, and

WHEREAS, the price per gallon of gasoline has increased due to uncertain conditions in the Persian Gulf region, and

WHEREAS, the Police Department anticipates a deficit in the fuel appropriation, and

WHEREAS, we have been informed by the Mayor's Office that the requested amount of $384,000 will be sufficient to cover our projected deficit, be it therefore

RESOLVED, that the Police Commission hereby approves a supplemental appropriation in the amount of $384,000 to cover a projected deficit in the material and supplies appropriation for fuel.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 733-90

STATUS ON CHARGES AGAINST POLICE OFFICER EMILY R. FIELDS, WARRANT BUREAU

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Emily R. Fields, Warrant Bureau, was called it having been continued from the meeting of December 12, 1990; and

WHEREAS, Officer Fields is presently under suspension, and

WHEREAS, it was requested by Ms. Colette Jolicoeur, Attorney at Law representing Officer Fields, that the status report on Officer Fields be continued to January 9, 1991; therefore be it

RESOLVED, that the status report on Officer Emily R. Fields is continued to Wednesday, January 9, 1991 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

At this time the Commission revisited Motion on Calendaring New Matters and reset the hearing for Police Officer Rey Ibay for Saturday February 9, 1991 at 0900 hours.

The meeting, thereafter, was adjourned at 7:00 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/6036M